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Washington, Friday, February 4, 1949

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 575]

PART 301—DOMESTIC QUARANTINE NOTICES

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHODS OF TREATMENT OF GRAPEFRUIT AND ORANGES UNDER MEXICAN FRUITFLY QUARANTINE

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 301.64–4 (e) of the regulations supplemental to Quarantine No. 64 relating to the Mexican fruitfly (7 CFR 1945 Supp. 301.64–4 (e)), the following administrative instructions are hereby issued to prescribe methods of treatment which will meet sterilization requirements imposed under said § 301.64–4 (e) as a condition of the issuance of permits under said regulations for the interstate movement of grapefruit and oranges.

§ 301.64–4a *Administrative instructions: Methods of treatment of grapefruit and oranges for the Mexican fruitfly.* (a) Any of the approved vapor-heat or low-temperature methods of treatment specified in paragraph (b) of this section will meet sterilization requirements imposed under § 301.64–4 (e) as a condition of the issuance of permits for the interstate movement of grapefruit and oranges, if the treatment is conducted in a heat-treating room or refrigeration plant, as the case may be, which is located in the regulated area and is approved by the Bureau of Entomology and Plant Quarantine, and if it is conducted under the supervision of an inspector of said Bureau who at all times has access to the fruit while it is undergoing treatment. The Bureau will approve only those rooms and plants which are adequately equipped to handle and treat the fruit as provided in this section. While the results of experiments so far conducted have been successful, it should be emphasized that inexactness and carelessness in using the approved methods of treatment may result in injury to the fruit treated. In approving treatments specified in paragraph (b) of this section the United States Department of Agriculture does not accept responsibility for fruit injury.

(b) *Approved methods of treatment*—(1) *Vapor-heat methods.* In approved vapor-heat treatments the fruit is heated by saturated vapor at 110° F. which in condensing on the fruit gives up its latent heat. This latent heat is essential in assuring mortality of eggs and larvae of the Mexican fruitfly and in raising the temperature of the fruit evenly and quickly so as to prevent damage to the fruit. In practice in such treatments the saturated vapor is accompanied by a fine water mist and air admixture. The fruit is cooled immediately after treatment, and no wax or paraffin, either dry or in solution, is used until after the treatment has been completed. Vapor-heat treatments are approved only if the vapor conditions within the heat-treating room, the manner of stacking the field boxes containing the fruit in the room, and all other conditions affecting the efficacy of the treatment are satisfactory, in the opinion of the supervising inspector, to assure mortality of eggs and larvae of the Mexican fruitfly. The following methods of vapor-heat treatment, when conducted in accordance with the principles stated above in this paragraph and in paragraph (a) of this section, are approved:

(i) The temperature of the fruit shall be raised to 110° F., at the approximate center of the fruit, in a period of 8 hours and shall be held at that level during the following 6 hours. This method is adapted to sterilization plants that do not have the capacity to increase the temperature of the fruit steeply at the beginning of the treating period.

(ii) The temperature of the fruit shall be raised to 110° F., at the approximate center of the fruit, in a period of 6 hours and shall be held at that level during the following 4 hours. The temperature of the fruit must be raised rapidly during the first 2 hours, after which it may be gradually raised to 110° F. in the following 4 hours.

(2) *Low-temperature methods.* The following methods of low-temperature treatment, when conducted in accordance with the principles stated in paragraph (a) of this section, are approved:

(i) The fruit shall be cooled until the temperature at the approximate center of the fruit reaches 33° F. and shall be held at or below that temperature for a period of 18 days.

(Continued on next page)

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

(ii) The fruit shall be cooled until the temperature at the approximate center of the fruit reaches 34° F. and shall be held at or below that temperature for a period of 20 days.

(iii) The fruit shall be cooled until the temperature at the approximate center of the fruit reaches 35° F. and shall be held at or below that temperature for a period of 22 days.

Effective date and notice of supersedure. The foregoing administrative instructions shall be effective February 1, 1949, and at that time shall supersede B. E. P. Q. No. 472 revised effective September 25, 1941 (7 CFR Cum. Supp. 301.64–4a).

The foregoing administrative instructions merely restate methods of treatment previously approved in administrative instructions now in effect and further authorize a new alternative method for use of vapor-heat which shortens the period of treatment and thereby provides a less burdensome means than any presently authorized by which shippers of grapefruit and oranges may qualify their fruit for interstate movement. Accordingly the foregoing administrative instructions relieve restrictions now in effect. Research has disclosed moreover that such new alternative method of treatment may be used without increasing the risk of spread of injurious insects. In order to be of maximum benefit to shippers of grapefruit and oranges, such new alternative method should be made available as soon as possible. Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is

found upon good cause that notice and public procedure on the foregoing administrative instructions are unnecessary, impracticable, and contrary to the public interest, and since these instructions relieve restrictions they may properly be made effective under said section 4 less than thirty days after their publication in the FEDERAL REGISTER.

(Sec. 8, 37 Stat. 318, as amended, 7 U. S. C. 161; 7 CFR 1945 Supp. 301.64-4 (e))

Done at Washington, D. C., this 28th day of January 1949.

AVERY S. HOYT,
Acting Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 49-825; Filed, Feb. 3, 1949; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supplement 9]

PART 60—AIR TRAFFIC RULES

TRAFFIC PATTERNS; LAGUARDIA, NEW YORK, INTERNATIONAL (IDLEWILD), AND NEWARK AIRPORTS

At the present time there is no prescribed traffic pattern established by the Port of New York Authority for air traffic taking off or landing at the LaGuardia, New York International (Idlewild) and Newark Airports. These airports are located in highly populated and congested areas and the increase in air traffic at such airports by foreign and domestic air carriers makes it necessary, in the interest of safety in air commerce, to prescribe a uniform traffic pattern which shall be adhered to by all aircraft landing and taking off at such airports. The Civil Aeronautics Administration, with the cooperation and approval of the representatives of the Port of New York Authority, the Air Transport Association, Airline Pilots Association and the scheduled and irregular air carriers concerned, has established a traffic pattern which provides a uniform and safe procedure for the landing and takeoff of aircraft at such airports.

Interested persons have been given an opportunity to participate in the making of this rule and due consideration has been given to all relevant matters presented. Further compliance with the notice and procedures of section 4 of the Administrative Procedure Act would be unnecessary and contrary to the public interest.

Therefore, acting pursuant to the authority vested in me under section 601 (c) of the Civil Aeronautics Act of 1938, as amended, and § 60.108 of the Civil Air Regulations, I hereby adopt the following traffic patterns to become effective at LaGuardia Airport, New York, New York International (Idlewild) Airport, New York, and Newark Airport, New Jersey, at 0600 hours e. s. t., March 1, 1949.

§ 60.108 *Operation on and in the vicinity of an airport.* * * *

[CAA Rules]

TRAFFIC PATTERNS

1. *Application*—Aircraft taking off or landing at the LaGuardia, N. Y., New York International (Idlewild), N. Y., or Newark, N. J., airports shall adhere to the following traffic patterns and altitudes made a part thereof, *unless* otherwise authorized by air traffic control.

2. *LaGuardia Airport*—(a) *Runway No. 13*—(1) *Takeoff.* Execute a climbing right turn over Yacht Basin, and proceed over Flushing Meadows to extreme south tip thereof or until reaching an altitude of at least 1200 feet before proceeding on course.

(2) *Landing.* Maintain an altitude of at least 1200 feet until over Heligate Channel, 5 stacks or the East River and approach by descending over water insofar as practical.

(b) *Runway No. 31*—(1) *Takeoff.* Execute a climbing right turn to an altitude of at least 1200 feet over the East River insofar as practical before proceeding on course.

(2) *Landing.* Final approach from an altitude of at least 1200 feet over extreme southern tip of Flushing Meadow Park descending over the park and water insofar as practical.

(c) *Runway No. 9*—(1) *Takeoff.* Execute a climb north of Flushing Airport straight ahead to an altitude of at least 1200 feet before proceeding on course.

(2) *Landing.* Maintain an altitude of at least 1200 feet until on base leg making left turns only and approach by descending over water insofar as practical.

(d) *Runway No. 27*—(1) *Takeoff.* Execute a climbing right turn to an altitude of at least 1200 feet over East River insofar as practical, before proceeding on course.

(2) *Landing.* Maintain an altitude of at least 1,000 feet to the Cloverleaf at the south end of the Whitestone Bridge and descend north of the Flushing Airport, or make final approach from an altitude of at least 1200 feet over southern tip of Flushing Meadow Park.

(e) *Runway No. 4*—(1) *Takeoff.* Execute a climbing right turn to an altitude of at least 1200 feet over the East River before proceeding on course.

(2) *Landing.* Northbound flights make final approach from Maspeth marker descending from an altitude of at least 1200 feet.

Flights from other directions maintain an altitude of at least 1200 feet on base leg starting descent on final approach turn.

(f) *Runway No. 22*—(1) *Takeoff.* Climb straight ahead to an altitude of at least 1200 feet before proceeding on course.

(2) *Landing.* Maintain an altitude of at least 1200 feet until over Whitestone Bridge and approach by descending over water insofar as practical.

NOTE: The foregoing traffic patterns for LaGuardia Airport are illustrated in the map designated Figure 1.

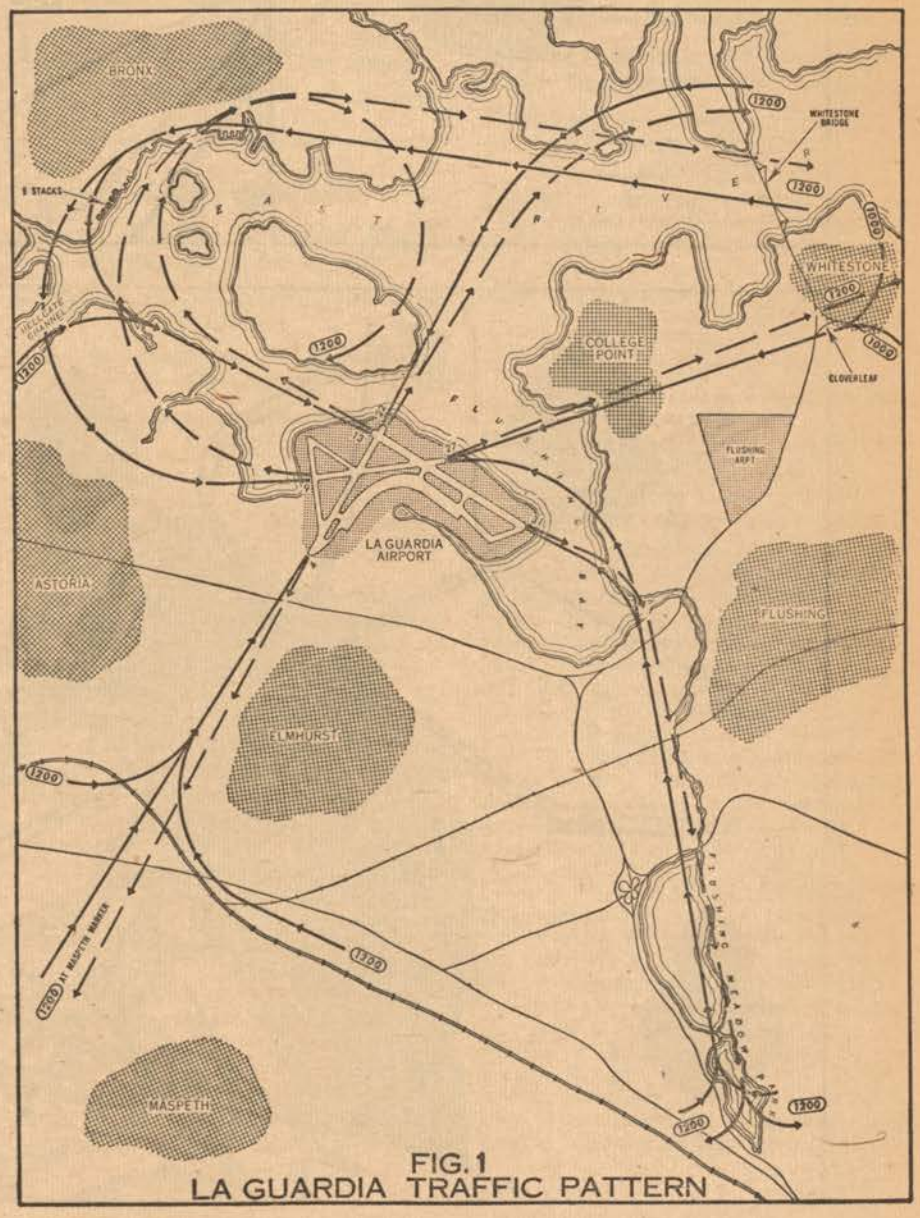

FIG. 1
LA GUARDIA TRAFFIC PATTERN

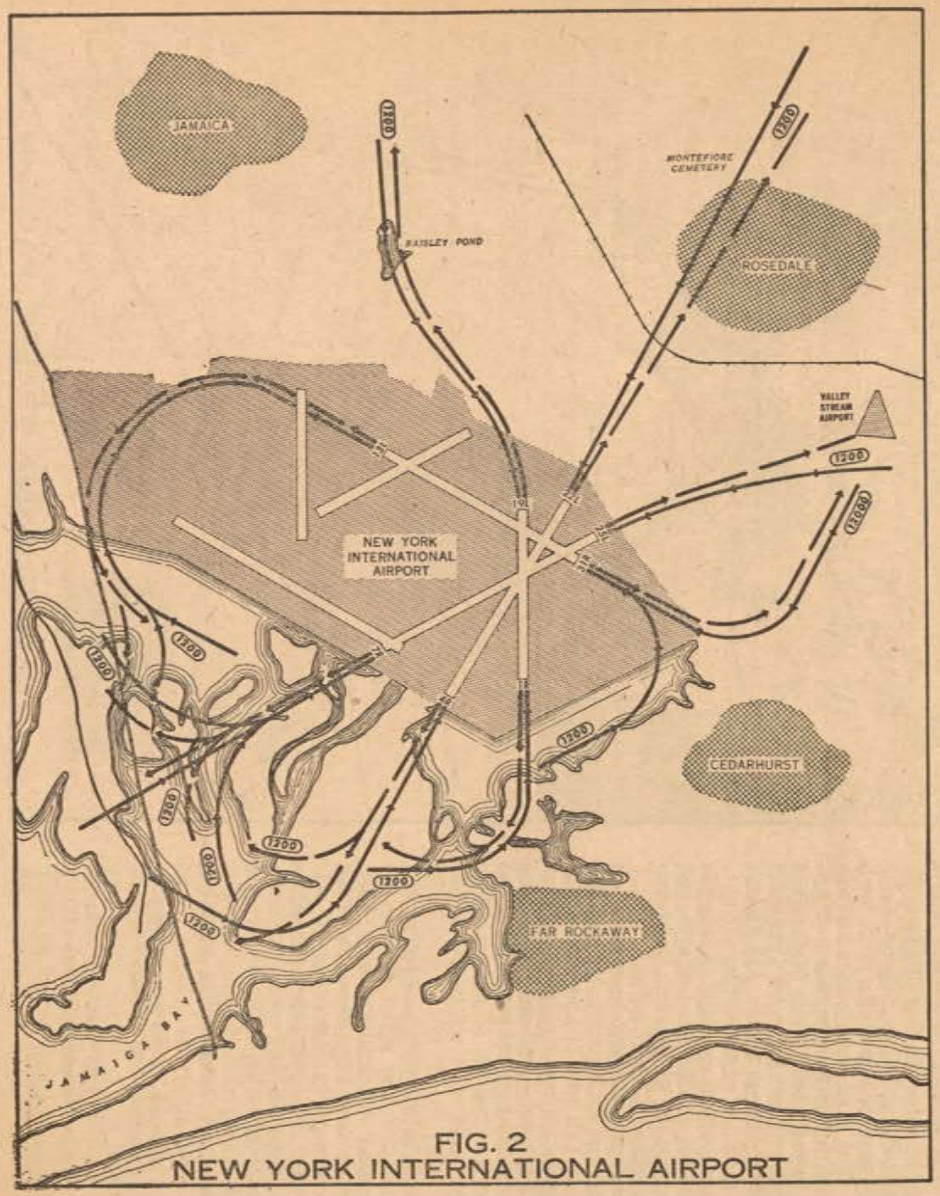

FIG. 2
NEW YORK INTERNATIONAL AIRPORT

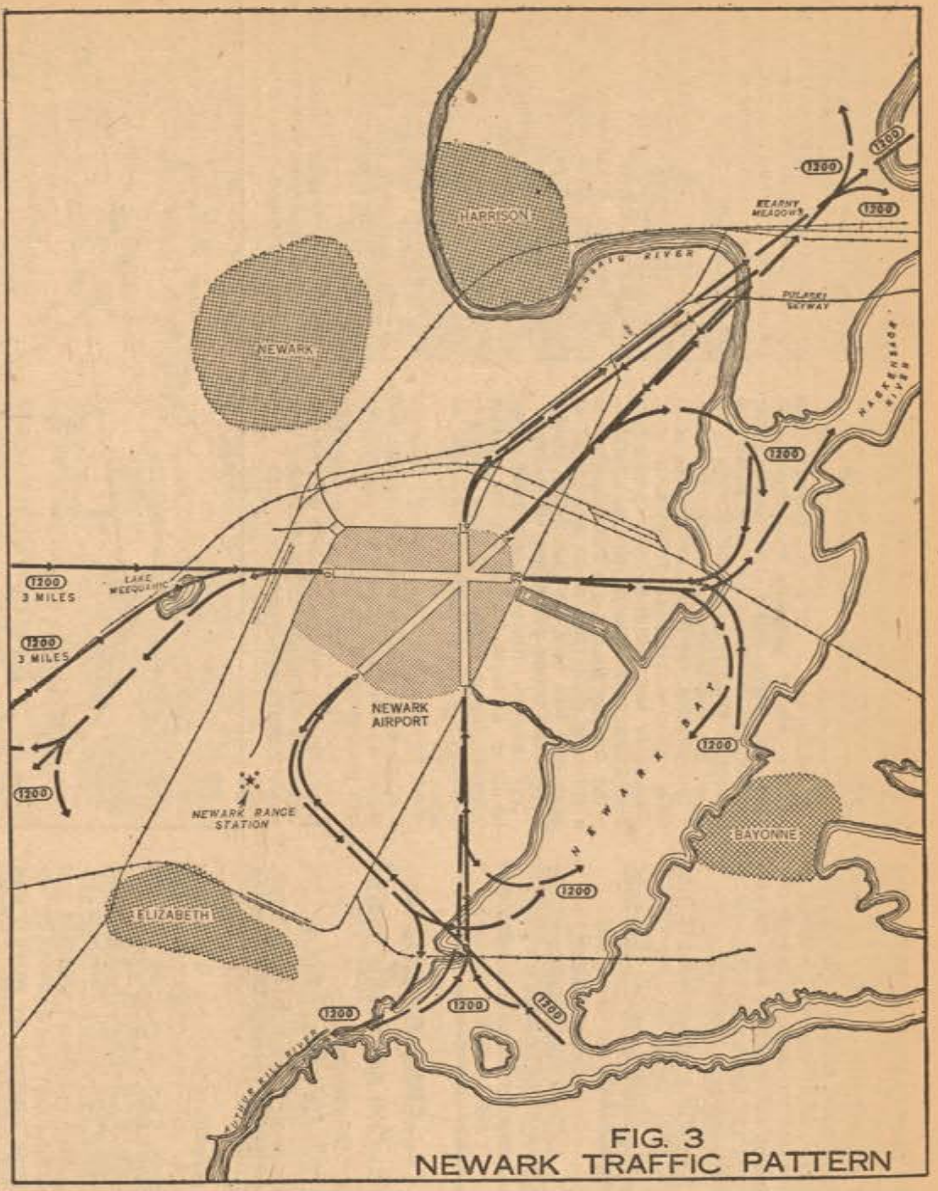

FIG. 3
NEWARK TRAFFIC PATTERN

3. *New York International (Idlewild) Airport*—(a) *Runway No. 1–R*—(1) *Takeoff.* Execute slight left turn heading toward Baisley Pond climbing to an altitude of at least 1200 feet before proceeding on course.

(2) *Landing.* Start approach from an altitude of at least 1200 feet over Jamaica Bay, descending over water making left turn into runway.

(b) *Runway No. 31–R*—(1) *Takeoff.* Execute a climbing left turn to an altitude of at least 1200 feet before proceeding on course.

(2) *Landing.* Start approach from old Valley Stream Airport from an altitude of at least 1200 feet descending over open area making right turn into runway, or start approach over Jamaica Bay from an altitude of at least 1200 feet descending over the water making a left turn into the runway.

(c) *Runway No. 25–L*—(1) *Takeoff.* Climb to an altitude of at least 1200 feet over Jamaica Bay before proceeding on course.

(2) *Landing.* Start approach from an altitude of at least 1200 feet over the south of the village of Valley Stream descending over open area to runway.

(d) *Runway No. 22–L*—(1) *Takeoff.* Climb to an altitude of at least 1200 feet over Jamaica Bay before proceeding on course.

(2) *Landing.* Start descent from an altitude of at least 1200 feet one mile north of Montefiore Cemetery.

(e) *Runway No. 19–L*—(1) *Takeoff.* Make climbing right turn to at least 1200 feet over Jamaica Bay before proceeding on course.

(2) *Landing.* Start approach from at least 1200 feet from one mile north of the north end of Baisley Pond descending along edge of airport.

(f) *Runway No. 13–L*—(1) *Takeoff.* Make climbing left turn over open area toward old Valley Stream Airport to at least 1200 feet before proceeding on course.

(2) *Landing.* Start approach from at least 1200 feet over Jamaica Bay descending in a right turn over water to the airport boundary.

(g) *Runway No. 7–R*—(1) *Takeoff.* Make slight right turn toward old Valley Stream Airport climbing to at least 1200 feet before proceeding on course.

(2) *Landing.* Descend from an altitude of at least 1200 feet over Jamaica Bay.

(h) *Runway No. 4–R*—(1) *Takeoff.* Climb straight ahead to at least 1200 feet before proceeding on course. This runway to be used only under conditions of extremely adverse winds.

(2) *Landing.* Descend from at least 1200 feet over Jamaica Bay.

NOTE: The foregoing traffic patterns for the New York International (Idlewild) Airport are illustrated in the map designated Figure 2.

4. *Newark Airport*—(a) *Runway No. 1*—(1) *Takeoff.* Execute a climbing right turn to an altitude of at least 1200 feet over the Kearney Meadows before proceeding on course.

(2) *Landing.* Start descent to the runway from an altitude of at least 1200 feet over the south end of Newark Bay.

(b) *Runway No. 28*—(1) *Takeoff.* Execute a climbing left turn of 45 degrees before reaching Lake Weequahic, then climb straight ahead to an altitude of at least 1200 feet before proceeding on course.

(2) *Landing.* Maintain an altitude of at least 1200 feet on the base leg over Newark Bay until starting descent on the final approach turn.

(c) *Runway No. 24*—(1) *Takeoff.* Execute a climbing left turn of 90 degrees before reaching the range station, then climb to an altitude of at least 1200 feet over Newark Bay or the Arthur Kill River before proceeding on course.

(2) *Landing.* Maintain an altitude of at least 1200 feet until over the Pulaski Skyway at the Passaic River Crossing before starting descent for straight-in-approach.

(d) *Runway No. 19*—(1) *Takeoff.* Climb to an altitude of at least 1200 feet over Newark Bay or the Arthur Kill River before proceeding on course.

(2) *Landing.* Maintain an altitude of at least 1200 feet until over the Pulaski Skyway at the Passaic River Crossing before starting descent to the runway.

(e) *Runway No. 10*—(1) *Takeoff.* Climb to an altitude of at least 1200 feet over Newark Bay or the Hackensack River before proceeding on course.

(2) *Landing.* Maintain an altitude of at least 1200 feet until within 3 miles of the airport before starting descent on final approach. Do not make left turn into runway.

(f) *Runway No. 6*—(1) *Takeoff.* Climb to an altitude of at least 1200 feet over Kearney Meadows or Newark Bay before proceeding on course.

(2) *Landing.* Start descent to runway from at least 1200 feet at south end of Newark Bay.

NOTE: The foregoing traffic patterns for the Newark Airport are illustrated in the map designated Figure 3.

(Sec. 601, 52 Stat. 1007; Pub. Law 872, 80th Cong.; 49 U. S. C. 551; Reorg. Plan No. IV of 1940; 3 CFR, Cum. Supp., 5 F. R. 2421)

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 49–862; Filed, Feb. 3, 1949; 9:01 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter L—Irrigation Projects: Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

CROW INDIAN IRRIGATION PROJECT, MONTANA

On December 24, 1948 there was published in the daily issue of the FEDERAL REGISTER notice of intention to amend § 130.12 *Charges, Crow Indian Irrigation Project, Montana.*

Interested persons were thereby given opportunity to participate in preparing the amendments by submitting data or written arguments within 30 days from date of publication of the notice. No objections were submitted. Accordingly, § 130.12 is amended as follows, to be effective for the season of 1949 and thereafter until further order.

Pursuant to section 4 (a) of the Administrative Procedure Act approved June 11, 1946, Public Law 404, 79th Congress; the acts of Congress approved August 1, 1914; June 4, 1920; May 26, 1926; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 41 Stat. 751; 44 Stat. 658, 45 Stat. 210, 25 U. S. C. 387) the charges for operation and maintenance on lands of the Crow Indian Irrigation Project, Montana, to which water can be delivered, are hereby fixed on the several units for the calendar year 1949 and thereafter until further order as follows:

§ 130.12 *Charges: Crow Indian Irrigation Project, Montana.*

For the assessable area under constructed works on all Government operated units excepting Coburn Ditch, per acre	$2.00
For the assessable area under constructed works on the Two Leggins Unit, per acre	1.25
For the assessable area under the Bozeman Trail Unit, per acre	.90
For Indian Lands only, under the Lodge Grass Units 1 and 2, Reno and Agency Units, for Willow Creek Storage Works Operation and Maintenance, per acre	.10
For certain tracts of irrigable Trust Patent Indian lands within and benefited by the Two Leggins Drainage District (Contract dated June 29, 1932), per acre	.75

(38 Stat. 583, 41 Stat. 751, 44 Stat. 658, 45 Stat. 210, 25 U. S. C. 385, 387)

PAUL L. FICKINGER,
Regional Director, Region No. 2, U. S. Indian Service.

[F. R. Doc. 49–818; Filed, Feb. 3, 1949; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter E—Administrative Provisions Common to Various Taxes

[T. D. 5686]

PART 471—ACCEPTANCE OF TREASURY NOTES IN PAYMENT OF INCOME, ESTATE, AND GIFT TAXES

Sec.

§ 471.1 *Acceptance of Treasury notes of Tax Series A–1943, B–1943, A–1944, B–1944, A–1945, Treasury notes of Tax Series C, and Treasury savings notes, Series C and Series D, in payment of income (including excess profits), estate, and gift taxes.* Notes of the United States designated as Treasury notes of Tax Series A–1943, B–1943, A–1944, B–1944, A–1945, Treasury notes of Tax Series C, and Treasury savings notes, Series C and Series D, may be accepted in payment of income taxes (current and back personal and corporation taxes, and excess profits taxes) and estate and gift taxes (current and back), at par and interest accrued to the month, inclusive, in which presented (but no accrual beyond the maturity date). Collectors of internal revenue are authorized and directed to accept such notes during and after the second calendar month after the month of purchase (as shown by the issuing agent's dating stamp on each note). For example, a note of Tax Series A–1945 purchased in September, 1942, may be accepted in November, 1942, but

such a note purchased in October, 1942, may not be accepted until December, 1942.

Such notes may be accepted only in payment of income (including excess profits), estate, and gift taxes (current and back) due from the original purchaser thereof or his estate. Such notes shall be in the name of the taxpayer (individual, corporation, or other entity) and may be presented for tax payment by only the taxpayer, his agent, or his estate. There is no limit upon the amount of such notes which may be accepted in payment of income (including excess profits), estate, or gift taxes.

Such notes, inscribed in the name of a taxpayer, may be accepted in payment of income tax withheld at the source by such taxpayer, and such notes inscribed in the name of a taxpayer may be accepted in payment of transferee liability assessed against such taxpayer for income (including excess profits), estate, or gift taxes.

Collectors of internal revenue shall not in any case allow credit to a taxpayer on account of such notes, or accept such notes, for an amount greater than their principal amount plus accrued interest, nor shall such notes be accepted in an amount (including accrued interest) greater than the unpaid liability of the taxpayer. Such notes shall be forwarded to the collector of internal revenue with whom the tax return is filed, at the risk and expense of the taxpayer, and, for the taxpayer's protection, should be forwarded by registered mail, if not presented in person. (Secs. 3657, 3791, Internal Revenue Code; 53 Stat., 447, 467, 26 U. S. C. 3657, 3791)

§ 471.2 *Procedure with respect to Treasury notes of Tax Series A–1943, B–1943, A–1944, B–1944, A–1945, Treasury notes of Tax Series C, and Treasury saving notes, Series C, and Series D.* Deposits of Treasury notes of Tax Series A–1943, B–1943, A–1944, B–1944, A–1945, Treasury notes of Tax Series C, and Treasury savings notes, Series C and Series D, received in payment of taxes shall be made by the collector of internal revenue in a Federal reserve bank or a branch Federal reserve bank. Prior to deposit the collector of internal revenue will certify on the reverse side of the notes that they were received in payment of income (including excess profits), estate, or gift tax, as the case may be, and will show in the indorsement stamp the date of deposit (Secs. 3657, 3791, Internal Revenue Code; 53 Stat., 447, 467, 26 U. S. C. 3657, 3791)

Prior Treasury decision superseded. Treasury Decision 5308, approved December 1, 1943 (26 CFR, Part 471), is hereby superseded.

Because this Treasury decision merely revises existing regulations governing the acceptance of Treasury notes and Treasury savings notes in payment of income (including excess profits), estate, and gift taxes so as to make such regulations applicable also to Treasury savings notes, Series D, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (c) of the Administrative Procedure Act, approved June 11, 1946 or subject to the effective date limitation of section 4 (c) of said Act.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: January 31, 1949.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 49–827; Filed, Feb. 3, 1949; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 74—INTERNATIONAL MONEY-ORDER SERVICE

UNITED STATES EXCHANGE OFFICES

In § 74.6 *List of United States exchange offices* (13 F. R. 9001) amend paragraph (b) as follows:

1. Designate present paragraph (b) as paragraph (b) (1).

2. Add new subparagraph (2) to read as follows:

(2) Money orders may now be paid in the Pescadores (Bōkotō) islands through China and in the Republic of Andorra through France. Money orders payable in the Pescadores will be drawn in dollars and cents only as is the case with Chinese orders, while those payable in Andorra will be drawn in francs and centimes, as well as in dollars and cents, at the conversion rate in effect for France.

(R. S. 161, 396, 4028, sec. 1, 25 Stat. 654, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; 39 U. S. C. 712)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49–847; Filed, Feb. 3, 1949; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 548]

CALIFORNIA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY FOR FLOOD CONTROL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights and to existing withdrawals for power purposes, the public lands in the following-described areas in California are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use in connection with the construction of the Isabella Reservoir and Dam Site Project on the Kern River, under the supervision of the Department of the Army as authorized by the act of December 22, 1944 (58 Stat. 887, 901):

MOUNT DIABLO MERIDIAN

T. 26 S., R. 32 E.,
  Sec. 24, E½.
T. 25 S., R. 33 E.,
  Secs. 22 and 27;
  Sec. 28, SE¼;
  Sec. 32, SE¼;
  Secs. 33 and 34.
T. 26 S., R. 33 E.,
  Sec. 3, N½, SW¼;
  Secs. 4, 5, 8, and 9;
  Sec. 10, W½, SE¼;
  Sec. 11, S½;
  Sec. 12, S½;
  Secs. 13, to 17 inclusive;
  Sec. 18, E½;
  Secs. 19 and 20;
  Sec. 21, N½;
  Secs. 22 to 25 inclusive;
  Sec. 26, E½, NW¼;
  Sec. 27, NE¼;
  Sec. 29, N½;
  Sec. 30, lots 1, 2, E½NW¼, NE¼.
T. 26 S., R. 34 E.,
  Sec. 7, lots 3, 4, E½SW¼, SE¼;
  Sec. 8, SW¼;
  Sec. 9, SE¼;
  Sec. 10, SW¼;
  Sec. 15, N½, SW¼;
  Secs. 16 to 20 inclusive;
  Sec. 21, N½;
  Sec. 22, NW¼;
  Sec. 30, NW¼.

The areas described, including both public and non-public lands, aggregate 21,457.08 acres.

This order shall take precedence over but not modify (1) the Executive Order of June 8, 1926, Reservoir Site No. 17, (2) the order of November 16, 1932, of the Secretary of the Interior, withdrawing lands for reclamation purposes, (3) the order of January 21, 1933, of the Secretary of the Interior, creating Stock Driveway No. 235, and (4) the order of April 8, 1935, of the Secretary of the Interior, establishing California Grazing District No. 1, so far as such orders affect any of the above-described lands.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior, when they are no longer needed for the purpose for which they are reserved.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JANUARY 26, 1949.

[F. R. Doc. 49–848; Filed, Feb. 3, 1949; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 910]

[Docket No. AO–13A2]

HANDLING OF FRESH PEAS, CAULIFLOWER, AND CABBAGE GROWN IN COUNTIES OF ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE IN COLORADO

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 202, 707) and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, and Supps. 900.1 et seq.; 13 F. R. 8585), notice is hereby given of a public hearing to be held in the Elks Building, Alamosa, Colorado, beginning at 9:30 a. m., m. s. t., February 23, 1949, with respect to proposed amendments to Marketing Agreement No. 67, as amended, and Order No. 10, as amended (7 CFR, Cum. Supp., Part 910), regulating the handling of fresh peas and cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla and Saguache in the State of Colorado, hereinafter referred to as the "marketing agreement and order." Such public hearing is for the purpose of receiving evidence with respect to the economic or marketing conditions relating to the proposed amendment, which is hereinafter set forth, and appropriate modifications thereof. This proposal has not received the approval of the Secretary of Agriculture.

The proposal relates to the following principal changes in the marketing agreement and order: (1) Extending the scope of the program to include cabbage; (2) authorizing the establishment and maintenance in effect of minimum standards of quality and maturity for peas, cauliflower and cabbage, as the case may be when the seasonal average price for the respective vegetable exceeds the applicable parity level; (3) broadening the definition of the term "Secretary"; (4) revising the representation on the Administrative Committee; (5) providing that each handler's vote for nominees for handler members and alternate members on the committee shall be weighted by the total quantity of peas, cauliflower, and cabbage, shipped during the then current fiscal year; (6) deleting from the committee's duties the reference to section 32 of the act of 1935 (49 Stat. 774); (7) restricting the matters with respect to which committee members may vote; (8) eliminating voting by members who are not in attendance at assembled meetings; (9) revising the exemption certificate provisions; (10) deleting from the regulatory provisions of the marketing agreement and order the exemption of shipments for relief purposes; (11) deleting from the amended marketing agreement the provisions governing termination thereof at the request of the handlers; and (12) making conforming changes such as revising the headings and numbering of the different sections of the marketing agreement and order. The provisions, hereinafter set forth, which are followed by a single asterisk (*) are presently contained in the marketing agreement and order. Those provisions which are followed by two asterisks (**) differ from the corresponding provisions in the present agreement and order by the inclusion of cabbage in the former. Those provisions which are followed by three asterisks (***) apply only to the marketing agreement.

The Administrative Committee, established pursuant to the marketing agreement and order, and growers and shippers of peas, cauliflower and cabbage produced in the Counties of Alamosa, Rio Grande, Conejos, Costilla and Saguache in the State of Colorado have proposed the following:

Amend the marketing agreement and order to read as follows:

DEFINITIONS

§ 910.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 910.2 *Act.* "Act" means Public Act No. 10, 73rd Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 as amended (50 Stat. 246, as amended, and Supp., 7 U. S. C. § 601 et seq.; 61 Stat. 208, 707).*

§ 910.3 *Person.* "Person" means an individual, partnership, corporation, association, legal representative, or any organized group of individuals.*

§ 910.4 *Peas.* "Peas" means all varieties of peas, for sale for consumption in fresh form, grown in the counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado.*

§ 910.5 *Cauliflower.* "Cauliflower" means all varieties of cauliflower, for sale for consumption in fresh form, grown in the counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado.*

§ 910.6 *Cabbage.* "Cabbage" means all varieties of cabbage, for sale for consumption in fresh form, grown in the counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado.

§ 910.7 *Producer.* "Producer" means any person engaged in growing peas, cauliflower or cabbage for market.*

§ 910.8 *Handler.* "Handler" means any person (except a common carrier of peas, cauliflower and cabbage owned by another person) who, as owner, agent, or otherwise, ships or causes to be shipped, peas, cauliflower or cabbage, in fresh form by rail, truck, or any other means.

§ 910.9 *Handle.* "Handle" means to transport, offer for transportation, sell, or ship peas, cauliflower or cabbage in the current of interstate commerce or commerce with Canada, or so as directly to burden, obstruct, or affect such commerce.*

§ 910.10 *Fiscal year.* "Fiscal year" means the twelve-month period beginning June 1 of any year and ending May 31 of the following year, both dates inclusive.*

ADMINISTRATIVE COMMITTEE

§ 910.11 *Establishment and membership.* There is hereby established an Administrative Committee consisting of twelve members. Three members of said committee shall represent pea producers; three members of said committee shall represent cauliflower producers; three members of said committee shall represent cabbage producers; and three members of said committee shall represent handlers. For each member of the Administrative Committee there shall be an alternate member who shall be selected in the same manner and shall have the same qualifications as the member for whom such person serves as alternate. The members representing producers of peas shall be selected from the following districts: One member shall be a producer of peas in the district consisting of Rio Grande and Saguache Counties; one member shall be a producer of peas in the district consisting of Conejos County; and one member shall be a producer of peas in the district consisting of Alamosa and Costilla Counties. The members representing producers of cauliflower shall be selected from the following districts: One member shall be a producer of cauliflower in the district consisting of Alamosa, Rio Grande and Saguache Counties; one member shall be a producer of cauliflower in the district consisting of Conejos County; and one member shall be a producer of cauliflower in the district consisting of Costilla County. The members representing producers of cabbage shall be selected from the following districts: One member shall be a producer of cabbage in the district consisting of Alamosa, Rio Grande and Saguache Counties; one member shall be a producer of cabbage in the district consisting of Conejos County, and one member shall be a producer of cabbage in the district consisting of Costilla County. The Administrative Committee, established pursuant to the provisions of amended Marketing Agreement No. 67 and amended Marketing Order No. 10, effective on and after April 13, 1942, shall continue to function, for the purposes stated in section 2 (b) and section 2 (c) of the amended marketing agreement (and the comparable provisions of Order No. 10, as amended), until the initial members of the Administrative Committee, established pursuant to the provi-

sions hereof, have been selected and have qualified.

§ 910.12 *Nomination and selection of producer members.* On or before May 15 of each year, there shall be held a general meeting of all producers, at such time and place as may be designated by the aforesaid Administrative Committee; and at such general meeting of producers the nominees shall be designated, in accordance with the provisions set forth herein, and the Secretary shall select, from among the nominees thus designated, the members and alternates of the Administrative Committee to represent producers for the following fiscal year. At each of such meetings, the producers eligible to participate therein shall select a chairman and a secretary; and thereupon such producers shall designate the nominees to represent, by districts as aforesaid, the producers of peas, cauliflower and cabbage, respectively. Each producer of cauliflower who is present at said general meeting shall be entitled to cast one vote, and only one vote, on behalf of himself, his agents, partners, and representatives in designating each nominee for each of the aforesaid districts to represent the producers of cauliflower. Each producer of peas who is present at said general meeting shall be entitled to cast one vote, and only one vote, on behalf of himself, his agents, partners, and representatives in designating each nominee for each of the aforesaid districts to represent the producers of peas. Each producer of cabbage who is present at said general meeting shall be entitled to cast one vote, and only one vote, on behalf of himself, his agents, partners, and representatives in designating each nominee for each of the aforesaid districts to represent the producers of cabbage. Producers shall designate two nominees for each producer member of the Administrative Committee from each of the aforesaid districts, and two nominees for each alternate from each district; and the Secretary shall select, from among the nominees designated by the producers, one producer member and his respective alternate for each of the said districts. Only producers who are present at said general meeting may participate in designating nominees. No producer shall be allowed to vote by proxy. The chairman of each meeting shall announce at the respective meeting the name of each person for whom a vote has been cast, whether as member or as alternate, and the number of votes cast for each such person; and the chairman or the secretary of said general meeting shall forthwith transmit such information to the Secretary. Each member and alternate member of the Administrative Committee, selected as aforesaid by the Secretary to represent the producers of peas, shall be a producer of peas in the district which he represents on said committee; each member and alternate member of the Administrative Committee, selected as aforesaid by the Secretary to represent the producers of cauliflower, shall be a producer of cauliflower in the district which he represents on said committee; and each member and alternate member of the Administrative Committee, selected as aforesaid by the Secretary to represent the producers of cabbage, shall be a producer of cabbage in the district which he represents on said committee. No person engaged in handling peas, cauliflower or cabbage other than peas, cauliflower or cabbage of his own production, shall be eligible to serve as a producer member of the Administrative Committee.

§ 910.13 *Nomination and selection of handler members.* On or before May 15 of each year, there shall be held a general meeting of handlers, at such time and place as may be designated by the Administrative Committee; and at such general meeting of handlers the nominees shall be designated, in accordance with the provisions set forth herein, and the Secretary shall select, from among the nominees thus designated, the members and alternates of the Administrative Committee to represent handlers for the following fiscal year. At each of such meetings the handlers eligible to participate therein shall select a chairman and secretary; and thereupon such handlers shall designate six nominees for membership on the Administrative Committee and six nominees for alternate membership on the Administrative Committee to represent the handlers. The Secretary shall select, from among the nominees designated by the handlers, three members of the Administrative Committee and their respective alternates. Each handler present at said general meeting shall be entitled to cast one vote, and only one vote, on behalf of himself, his agents, partners, affiliates, subsidiaries and representatives: *Provided,* That the vote cast by each handler shall be weighted by the total number of cars or equivalent quantities of peas, cauliflower and cabbage grown in the counties of Alamosa, Rio Grande, Conejos, Costilla and Saguache and handled during the previous season by him, his agents, partners, affiliates, subsidiaries and representatives, in designating each nominee. Only handlers who are present at said general meeting may participate in designating nominees. No handler shall be allowed to vote by proxy. The chairman of each such meeting shall announce at the respective meeting the name of each person for whom a vote has been cast, whether as member or alternate, and the number of votes, weighted as provided herein, cast for each such person; and the chairman or the secretary of said general meeting shall forthwith transmit such information to the Secretary. Each member of the Administrative Committee, selected as aforesaid by the Secretary to represent handlers, shall be a handler of peas, cauliflower or cabbage in the county or counties of Alamosa, Rio Grande, Conejos, Costilla, or Saguache in the State of Colorado.

§ 910.14 *Failure to nominate.* In the event nominations are not made by producers pursuant to, and within the time specified herein, the Secretary may select, without regard to nominations and without waiting for any nominations to be made, the members and alternate members of the Administrative Committee to represent producers. In the event nominations are not made by handlers pursuant to, and within the time specified in, the provisions hereof, the Secretary may select, without regard to nominations and without waiting for any nominations to be made, the members and alternate members of the Administrative Committee to represent handlers.*

§ 910.15 *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the Administrative Committee shall qualify, within fifteen days after being notified of such selection, by filing with the Secretary a written acceptance of such appointment.*

§ 910.16 *Term of office.* The term of office of the members and alternates of the Administrative Committee shall begin on the first day of June and shall continue for the respective fiscal year: *Provided,* That said members and alternates shall serve until their respective successors have been selected and have qualified.

§ 910.17 *Duties of alternate members.* The alternate for a member of the Administrative Committee shall, in the event of such member's absence, act in the place and stead of such member; and in the event of such member's removal, resignation, disqualification, or death, the alternate for said member shall, until a successor for the unexpired term of said member has been selected, act in the place and stead of said member.*

§ 910.18 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the Administrative Committee to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate member of the Administrative Committee, a successor for his unexpired term shall be selected by the Secretary from nominations made in the manner heretofore specified. If nominations to fill such vacancy are not made and the names of such nominees submitted to the Secretary within twenty days after such vacancy occurs, the Secretary may, without waiting for such nominees to be designated or the names thereof submitted, select someone to fill such vacancy.*

§ 910.19 *Compensation and expenses.* The members of the Administrative Committee, and their respective alternates when acting as members, shall serve without compensation, but they shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers hereunder.*

§ 910.20 *Powers.* The Administrative Committee shall have the following powers:*

(a) To administer, as herein provided, the terms and provisions hereof;*

(b) To make rules and regulations to effectuate the terms and provisions hereof;*

(c) To receive, investigate, and report to the Secretary complaints of violations hereof; and*

(d) To recommend to the Secretary amendments hereto.*

§ 910.21 *Duties.* It shall be the duty of the Administrative Committee:

(a) To act as intermediary between the Secretary and any producer or handler;*

(b) To keep minutes, books, and records which will clearly reflect all of the acts and transactions of the committee, and such minutes, books and records shall be subject at any time to examination by the Secretary.*

(c) To investigate the growing, shipping, and marketing conditions with respect to peas, cauliflower, and cabbage, and to assemble data in connection therewith;**

(d) To furnish to the Secretary such available information as the Secretary may request;*

(e) To cause the books of the Administrative Committee to be audited by one or more competent accountants at least once each fiscal year and at such other times as the committee may deem necessary or as the Secretary may request, and to file with the Secretary a copy of each such report;*

(f) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees;*

(g) To select a chairman of the Administrative Committee and, from time to time, such other officers as it may deem advisable; and*

(h) To give the Secretary the same notice of meetings of the Administrative Committee as is given to the members of the committee.*

§ 910.22 *Marketing policy.* Each season prior to making any recommendation to the Secretary for regulation of shipments of peas, cauliflower, or cabbage, the Administrative Committee shall determine the marketing policy to be followed during the ensuing season and submit a report of such policy to the Secretary; and said policy report shall contain, among other provisions, information relative to the estimated total production or shipments of the applicable commodity; information as to the expected general quality and size of the applicable commodity; possible or expected demand conditions of different market outlets, supplies of competitive commodities; such analysis of the foregoing factors and conditions as the committee deems appropriate; and the type of regulations of shipments of the applicable commodity expected to be recommended.**

PROCEDURE

§ 910.23 *Quorum and voting requirements.* Only members of the Administrative Committee representing handlers and members representing producers of peas shall be entitled to vote on any matter with respect to peas or the handling of peas pursuant to § 910.31 to § 910.35. Any four such members shall constitute a quorum insofar as regulating the handling of peas pursuant to § 910.31 to § 910.35 is concerned; and any decision of the Administrative Committee with respect thereto shall require four concurring votes. Only members of the Administrative Committee representing handlers and members representing producers of cauliflower shall be entitled to vote on any matter with respect to cauliflower or the handling of cauliflower pursuant to § 910.31 to § 910.35. Any four such members shall constitute a quorum insofar as regulating the handling of cauliflower pursuant to § 910.31 to § 910.35 is concerned; and any decision of the Administrative Committee with respect thereto shall require four concurring votes. Only members of the Administrative Committee representing handlers and representing producers of cabbage shall be entitled to vote on any matter with respect to cabbage or the handling of cabbage pursuant to § 910.31 to § 910.35. Any four such members shall constitute a quorum insofar as regulating the handling of cabbage pursuant to § 910.31 to § 910.35 is concerned; and any decision of the Administrative Committee with respect thereto shall require four concurring votes. Any seven members of the Administrative Committee representing handlers of representing producers shall, with regard to any action by the committee under any section hereof other than § 910.31 to § 910.35, constitute a quorum of said committee; and any decision of the Administrative Committee pursuant to any of the provisions hereof other than § 910.31 to § 910.35, shall require seven concurring votes by the members of said committee.

§ 910.24 *Voting.* Only members present at an assembled meeting of the Administrative Committee may vote: *Provided*, That in the absence of an assembled meeting of the committee provision may be made for the members thereof to vote, with regard to committee action, by mail, telegraph, or telephone; and any such vote cast by telephone shall be confirmed promptly in writing by each member thus voting by telephone.

§ 910.25 *Use of funds.* All funds received by the Administrative Committee pursuant to any of the provisions hereof shall be used solely for the purposes herein specified, and the Secretary may require the committee and its members to account for all receipts and disbursements.*

§ 910.26 *Possession of funds, books, records, and other property.* On the death, resignation, removal or expiration of the term of office of any member of the Administrative Committee, all books, records, funds, and other property in his possession shall be delivered to his successor in office or to the committee, and such assignments and other instruments shall be executed as may be necessary to vest in his successor or in the committee full right to all the books, records, funds, and other property in the possession or under the control of such member pursuant hereto.*

§ 910.27 *Right of the Secretary.* The members of the Administrative Committee (including successors and alternates) and any agent or employee appointed or employed by said committee shall be subject to removal or suspension at any time by the Secretary. Each and every order, regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time; and upon such disapproval the action of said committee thus disapproved shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.*

EXPENSES AND ASSESSMENTS

§ 910.28 *Expenses.* The Administrative Committee is authorized to incur such expenses as the Secretary finds may be necessary for the maintenance and functioning hereunder during each fiscal year. The funds to cover such expenses shall be acquired by the levying of assessments as provided hereinafter.

§ 910.29 *Assessments.* Each handler shall pay to the Administrative Committee, upon demand, such handler's pro rata share of the expenses that the Secretary finds will be necessarily incurred by the committee for the maintenance and functioning of the committee during each fiscal year. Each handler's pro rata share shall be based upon a rate of assessment fixed by the Secretary and shall be that proportion of such expenses which the total quantity of peas, cauliflower, or cabbage, respectively, shipped by such handler during the fiscal year is of the total quantity of peas, cauliflower, or cabbage respectively, shipped by all handlers during such shipping season. The rate of assessment may be increased or decreased, during or after a fiscal year, by the Secretary in order to cover any later findings of the Secretary of the estimated expenses or the actual expenses of the committee during said fiscal year.**

§ 910.30 *Handler accounts.* At the end of each fiscal year the Administrative Committee shall credit each handler with any amount paid by such handler in excess of his pro rata share of the expenses or shall debit such handler with the amount by which his pro rata share exceeds the amount paid by him. Any such debits shall become due and payable upon demand of the committee. The Administrative Committee may, with the approval of the Secretary, maintain a suit in its own name or in the names of its members for the collection of any handler's pro rata share of expenses.*

REGULATION OF SHIPMENTS BY GRADES, SIZES AND MINIMUM STANDARDS; PROHIBITION OF LOADING

§ 910.31 *Recommendation of the Administrative Committee.* Whenever the Administrative Committee deems it advisable to regulate the shipment of peas, cauliflower, or cabbage by grades or sizes, or both, or to establish and maintain in effect minimum standards of quality or maturity, or both, during any specified period or periods, in order to effectuate the declared policy of the act, it shall so recommend to the Secretary. At the time of submitting each such recommendation, the committee shall furnish the Secretary the pertinent data and information upon which it acted in making such recommendation, and such other data and information as the Secretary may request.

§ 910.32 *Issuances of regulations.* Whenever the Secretary finds, from the recommendation and information submitted by the Administrative Committee or from other available information, that

to limit the shipment of peas, cauliflower or cabbage to particular grades or sizes, or both, or to establish and maintain in effect minimum standards of quality or maturity, or both, would tend to effectuate the declared policy of the act, he shall so limit the shipment of such peas, cauliflower or cabbage or so establish and maintain in effect such minimum standards during a specified period or periods. The Secretary shall immediately notify the committee of the issuance of each such regulation, and the committee shall promptly give adequate notice thereof to handlers and producers.

§ 910.33 *Exemption certificates.* (a) The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers.

(b) Except as otherwise provided in this section, the committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee that by reason of a regulation issued pursuant hereto with respect to peas, cauliflower, or cabbage, as the case may be, he will be prevented from shipping as large a proportion of his production of such vegetable as the average of all producers. Such certificate shall permit the producer to ship or cause to be shipped the amount of peas, cauliflower, or cabbage specified thereon. Such certificate may be transferred with such vegetable at time of shipment. No exemption certificate shall be issued for any lot of peas grading less than 80 percent U. S. No. 1 quality; and no exemption certificate shall be issued for any lot of cauliflower or cabbage grading less than 65 percent U. S. No. 1 quality.

(c) The committee shall be permitted at any time to make a thorough investigation of any producer's claim pertaining to exemptions.

(d) If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, make a final determination concerning the certificate of exemption to be granted, and notify the appellant of such final determination.

(e) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to this section.

(f) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of peas, cauliflower or cabbage covered by such exemption certificates, a record of the amount of peas, cauliflower or cabbage shipped under exemption certificates, a record of appeals for reconsideration of applications for exemption certificates, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

§ 910.34 *Inspection and certification.* During any period in which shipments of peas, cauliflower, or cabbage are regulated pursuant hereto, each handler shall, prior to making each such shipment cause such shipment to be inspected by an authorized representative of the Federal-State Inspection Service; and promptly thereafter each such handler shall submit or cause to be submitted to the Administrative Committee a copy of the Federal-State inspection certificate showing the grade and size of the vegetable contained in the respective shipment.**

§ 910.35 *Prohibition of loading.* (a) Whenever the Administrative Committee deems it advisable, in order to effectuate the declared policy of the act, to prohibit the loading of peas, cauliflower, or cabbage for a period of not to exceed 96 hours, it shall so recommend to the Secretary. At the time of submitting such recommendation, the committee shall furnish the Secretary the pertinent data and information upon which it acted in making such recommendation, and such other information as the Secretary may request.**

(b) Whenever the Secretary finds, from the recommendation and information submitted by the Administrative Committee or from other available information, that to prohibit the loading of peas, cauliflower, or cabbage, respectively, during a period of not to exceed 96 hours would tend to effectuate the declared policy of the act, he shall so prohibit the loading of peas, cauliflower, or cabbage respectively: *Provided,* That not less than 72 hours shall elapse from the termination of such period to the commencement of a subsequent period during which such loading would be prohibited. The Secretary shall immediately notify the committee of the issuance of such regulation, and the committee shall promptly give adequate notice thereof to producers and handlers.**

§ 910.36 *Compliance.* No handler shall ship peas, cauliflower, or cabbage in violation of the provisions hereof or of any order or regulation issued pursuant hereto; and no handler shall load peas, cauliflower, or cabbage during any period when such loading has been prohibited by the Secretary pursuant hereto.**

§ 910.37 *Reports.* Upon request of the Administrative Committee, made with the approval of the Secretary, each handler shall furnish such committee, in such manner and at such times as it prescribes, such information as will enable the committee to perform its duties hereunder.*

EFFECTIVE TIME AND TERMINATION

§ 910.38 *Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.*

§ 910.39 *Termination.* (a) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.*

(b) The Secretary may terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.*

(c) The Secretary shall terminate the provisions hereof, with respect to peas, cauliflower, or cabbage at the end of any fiscal year whenever he finds that such termination is favored by a majority of the producers of the respective vegetable, who, during the then preceding fiscal year have been engaged in the production for market of such vegetable: *Provided,* That such majority has, during such period, produced for market more than fifty percent of the volume of the respective vegetable produced for market; but such termination shall be effective only if announced on or before April 30 of the then current fiscal year.**

(d) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.*

§ 910.40 *Proceedings after termination.* (a) Upon the termination of the provisions hereof, the then functioning members of the Administrative Committee shall continue as trustees, for the purpose of liquidating the affairs of the said committee, of all the funds and property then in the possession of or under control of such committee, including but not being limited to the claims for any funds unpaid or property not delivered at the time of such termination; and the procedural rules governing the activities of said trustees, including but not being limited to the determination as to whether action shall be taken by a majority vote of the trustees, shall be prescribed by the Secretary.*

(b) The said trustees shall continue in such capacity until discharged by the Secretary, and shall from time to time, account for all receipts and disbursements or deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.*

(c) Any person to whom funds, property, or claims have been transferred or delivered by the Administrative Committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said trustees.*

§ 910.41 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or the termination of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which

shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any right or remedy of the Secretary or of any other person with respect to any such violation. The provisions hereof shall not affect or waive any right, duty, obligation, or liability which may have arisen in connection with any provision of the aforesaid marketing agreement and order regulating the handling of fresh peas and cauliflower grown in the counties of Alamosa, Rio Grande, Conejos, Costilla and Saguache in the State of Colorado, effective on and after April 13, 1942; or release or extinguish any violation of said marketing agreement and order or of any regulation issued thereunder or affect or impair any right or remedy of the Secretary or of any person with respect to any such violation.

MISCELLANEOUS

§ 910.42 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done hereunder and during the existence hereof.*

§ 910.43 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.*

§ 910.44 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act, or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.*

§ 910.45 *Personal liability.* No member or alternate member of the Administrative Committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, or employee, except for acts of dishonesty.*

§ 910.46 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing, is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.*

§ 910.47 *Amendments.* Amendments hereto may be proposed, from time to time, by the Administrative Committee or by the Secretary.*

§ 910.48 *Hearing and approval.* After due notice and hearing, and upon the execution of the proposed amendment by handlers who, during the then preceding calendar year, handled not less than 50 percent of the peas, cauliflower and cabbage handled during such period, the Secretary may approve such amendment and it shall become effective at such time as the Secretary may designate.***

§ 910.49 *Counterparts.* This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.***

§ 910.50 *Additional parties.* After the effective date hereof, any handler who has not prior thereto become a party hereto may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.***

§ 910.51 *Order with marketing agreement.* Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for the regulating of the handling of peas, cauliflower, and cabbage in the same manner as is provided for herein.***

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 1846, South Building, Washington 25, D. C., or from the Fruit and Vegetable Branch, Room 549, New Custom House, Denver, Colorado, or may be there inspected.

This notice of hearing issued at Washington, D. C., this 1st day of February 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 49-845; Filed, Feb. 3, 1949; 9:00 a. m.]

[7 CFR, Part 965]

[Docket No. AO-166-A-11]

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT, AND TO THE ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq.; 11 F. R. 7737, 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held in the Rockwood Room, Hotel Sinton, Cincinnati, Ohio, beginning at 10:00 a. m., e. s. t., February 10, 1949, for the purpose of receiving evidence with respect to proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area (9 F. R. 825, 9880, 10 F. R. 7607, 11 F. R. 7331, 9670, 14011, 12 F. R. 4931, 13 F. R. 2329, 7294). These proposed amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the proposed amendments hereinafter set forth:

1. The following amendment has been proposed by the Cincinnati Sales Association, Inc., and by The Cooperative Pure Milk Association: Proposal No. 1:

Delete subparagraphs (1) and (2) of § 965.6 (a) and substitute therefor the following:

(1) The price of Class I milk for the month of March 1949, for milk of 4.0% butterfat content, shall be $5.00 per hundredweight, and the price of Class II milk for the month of March 1949, for milk of 4.0% butterfat content, shall be $4.55 per hundredweight; and for the months of April, May, and June 1949, the price of Class I milk shall be $4.80 per hundredweight, for milk of 4.0% butterfat content, and the price of Class II milk shall be $4.35 per hundredweight, for milk of 4.0% butterfat content.

2. The following amendments have been proposed by The Cincinnati Sales Association, Inc.: Proposal No. 2:

Amend § 965.6 (a) to provide, beginning July 1, 1949, formulas for computing the prices of Class I milk and Class II milk by adding $1.35 and $0.90, respectively, to the price for Class III milk.

Proposal No. 3:

Delete paragraphs (e) and (f) of § 965.2 and substitute therefor the following:

(e) "Producer" means any person who produces milk which is received at a distributing plant or a receiving station operated by a handler or cooperative marketing association either of which distributes milk within the marketing area under approval of the proper health authorities.

(f) "Handler" means any person, irrespective of whether such person is a producer or a cooperative association, who engages in such handling and distribution of milk, all or a portion of which is disposed of as milk in the marketing area, as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate commerce in milk and its products. "Such handling and distribution of milk" as used in this definition, shall include the milk of any producer whose milk has been received previously at a plant described in paragraph (e) of this section, which milk has been caused to be delivered by a cooperative association, during the delivery periods of April, May, and June to a plant from which no milk is disposed of in the marketing area, if payment therefor has been collected by such cooperative association, and such milk shall be deemed to have been received from producers by such cooperative association. "Handler" shall not include any person from whom emergency milk is received or any person who handles only milk of his own production or who only disposes of milk to other handlers.

3. The following amendments have been proposed by The Cooperative Pure Milk Association: Proposal No. 4:

Amend § 965.5 (b) (2) by deleting such subparagraph and substituting therefor the following:

(2) Class II A milk shall be all milk used to produce cream for consumption as cream and Class II B milk shall be all milk used to produce creamed buttermilk and creamed cottage cheese.

Proposal No. 5:

Amend § 965.2 (e) by the addition of the following:

"Grade A producer" means a producer, including milk of handler's own production, meeting qualifications of appropriate health authorities as a "Grade A producer"; "Grade B producer" means a producer, including milk of a handler's own production, designated as a "Grade B producer" by appropriate health authorities.

Amend § 965.4 (a) (1) (i) by deleting each subdivision and substituting therefor the following:

(i) The receipt of milk at each plant from "Grade A producers", from "Grade B producers" and from other handlers.

Amend § 965.4 (a) (1) (vi) by deleting the word "producer" and substituting therefor the phrase "Grade A producer and Grade B producer".

Amend § 965.4 (a) (2) by deleting the word "producer" and substituting therefor the phrase "Grade A producer and Grade B producer".

Amend § 965.5 (d) (1) (i) by deleting such subdivision and substituting therefor the following:

(i) From Grade A producers and Grade B producers.

Amend § 965.5 (d) (2) by deleting the phrase "from producers, including the handler's own production", and substituting therefor the following: "from Grade A producers and Grade B producers".

Amend § 965.5 (e) by deleting the word "producers" as it may appear and substituting therefor the phrase, "Grade A producers and Grade B producers".

Amend § 965.6 (b) by deleting the word "producers" as it may appear and substituting therefor the phrase, "Grade A producers and Grade B producers".

Amend § 965.6 (c) by deleting the word "producers" as it may appear and substituting therefor the phrase, "Grade A producers and Grade B producers".

Amend § 965.7 by deleting such section and substituting therefor the following:

§ 965.7 *Computation and announcement of uniform price for Grade A producers and Grade B producers*—(a) *Computation of uniform price for Grade A producers.* For each delivery period, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from Grade A producers as follows:

(1) Add together the values of milk as computed in § 965.6 (c) for handlers who made the payments to the producer-settlement fund as required by § 965.8 (b);

(2) Subtract, if the weighted average butterfat test of all milk received from Grade A producers by handlers whose milk is represented in the sum computed under (1) of this paragraph, is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: Multiply the hundredweight of such milk by the variance of its weighted average butterfat test from 3.5 percent, and multiply the resulting amount by 50 cents if the average price of butter described under § 965.6 (a) (3) "was more than 40 cents but not more than 50 cents, such amount (50 cents) to be increased or decreased, as the case may be, by 10 cents for each 10 cent range in such price of butter above or below the range "more than 40 cents but not less than 50 cents."

(3) Subtract an amount equivalent to the monies retained pursuant to § 965.12 (b);

(4) Add the balance in the producer-settlement fund not reserved for payment under § 965.12 (b);

(5) Subtract the amount computed pursuant to § 965.9 (a) (2);

(6) Divide by the total hundredweight of milk of Grade A producers represented in the sum computed pursuant to subparagraph (1) of this paragraph, and

(7) Subtract from the figure obtained in subparagraph (6) of this paragraph not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining a cash balance to provide against errors in reports and in payment by handlers. The result shall be known as the uniform price per hundredweight for such delivery period for milk of Grade A producers which contains 3.5 percent of butterfat.

(b) *Announcement of prices and transportation rates.* On or before the first day of the following delivery period, the market administrator shall notify each handler of the uniform price for milk and of the price for Class III milk, and shall make public announcement of the uniform price computation. From time to time, the market administrator shall also publicly announce the amounts per hundredweight deducted by each handler from the payments made to producers pursuant to § 965.9 and the amounts actually paid to haulers for the transportation of milk from the farms of producers to such handler's plant or plants, as ascertained from reports submitted pursuant to § 965.4 (a).

Amend § 965.8 (a) by deleting the word "producers" as it may appear and substituting therefor the phrase "Grade A producers and Grade B producers".

Amend § 965.9 (a) by deleting the word "producer" as it may appear, and substituting therefor the phrase "Grade A producer and Grade B producer".

Amend § 965.9 (a) (1) by deleting the word "producer" as it may appear and substituting therefor the phrase "Grade A producer".

Further amend § 965.9 (a) by changing present subparagraph (2) to subparagraph (3).

Further amend § 965.9 (a) by adding a new subparagraph (3), as follows:

(3) Multiply the hundredweight of milk received from each Grade B producer by a Grade B producer price, computed as follows: Multiply the total pounds of Class II B milk for the delivery period by the Class II price for 3.5 percent milk; multiply the total pounds of Class III milk for the delivery period by the Class III price for 3.5 percent milk; add the resulting sums and divide by the total pounds of Class II B and Class III milk and adjust the resulting figure to the nearest full cent: *Provided*, That if the milk of each producer was of a weighted average butterfat content other than 3.5 percent, there shall be added or subtracted for each one-tenth of 1 percent variance above or below 3.5 percent, 5 cents if the average price of butter described in § 965.6 (a) (3) "was more than 40 cents but not more than 50 cents, such amount (5 cents) to be increased or decreased, as the case may be, by one cent for each 10-cent range in such price of butter above or below the range "more than 40 cents but no more than 50 cents."

Amend § 965.9 (b) by deleting the word "producers" as it may appear and substituting therefor the phrase "Grade A producers and Grade B producers."

4. The following amendments have been proposed by the Dairy Branch, Production and Marketing Administration: Proposal No. 6

Delete § 965.2 (g) and substitute therefor the following:

(g) "Delivery period" means the calendar month or the total portion of the calendar month during which the provisions of this order or of any amendment thereto are in effect.

Proposal No. 7:

Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the tentatively approved marketing agreement, and the order, as amended, now in effect, may be procured from the Market Administrator, 152 E. 4th Street, Cincinnati 2, Ohio, or from the Hearing Clerk, United States Department of Agriculture, in Room 1844, South Building, Washington 25, D. C., or may be there inspected.

Dated: February 1, 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 49-844; Filed, Feb. 3, 1949; 8:52 a. m.]

[7 CFR, Part 972]

[Docket No. AO-177-A-8]

HANDLING OF MILK IN TRI-STATE MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1946 ed. 601 et seq.), and in accordance with the applicable rules of

practice and procedure, as amended (7 CFR, Supps. 900.1 et seq.; 11 F. R. 7737, 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held at the Lafayette Hotel, Gallipolis, Ohio, beginning at 10:00 a. m., e. s. t., February 16, 1949, for the purpose of receiving evidence with respect to proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Tri-State marketing area (12 F. R. 12926, 12 F. R. 4243, 13 F. R. 2330, 13 F. R. 7295). These proposed amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the proposed amendments hereinafter set forth:

The following amendments have been proposed by The Scioto County Cooperative Milk Producers Association, The Athens Milk Sales, Inc., The Marietta Cooperative Milk Producers Association, and The Huntington Interstate Milk Producers Association:

1. Amend § 972.5 (a) by deleting subparagraph (3) (i) and substituting therefor the following:

(i) To average wholesale price per pound of 92 score butter at Chicago as reported by the Department of Agriculture for the delivery period, add 20 percent thereof and multiply by 3.5.

2. Amend § 972.5 (a) by deleting subparagraph (3) (ii) and substituting therefor the following:

(ii) From the average of the carlot prices per pound of nonfat dry milk solids for human consumption, spray and roller process, f. o. b. manufacturing plants, as published for the Chicago area for the delivery period by the Department of Agriculture, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such nonfat dry milk solids for the previous delivery period, deduct 4.0 cents, multiply by 8.5, and then multiply by 0.965.

3. Delete that portion of § 972.5 (b) following the words "periods indicated:" and substitute therefor the following:

Delivery period	Huntington district plants	Other plants
May and June	$1.35	$1.15
March, April, July, and August	1.45	1.25
September, October, November, January, and February	1.60	1.40

4. Delete that portion of § 972.5 (c) following the words "periods indicated:" and substitute therefor the following:

Delivery period	Huntington district plants	Other plants
May and June	$1.05	$0.85
March, April, July, and August	1.15	.95
September, October, November, December, January, and February	1.30	1.10

5. Add to § 972.5, the following:

Provided, That for any month, if the percentage of Class III milk in the Tri-State Area during the 12-month period ending with the second preceding month is less than 30%, the price shall be 25¢ more than otherwise applicable, and if the percentage of Class III milk during such period is more than 40%, the price shall be 25¢ less than otherwise applicable: *And provided further*, That the price for any of the months of March through June shall not be higher, and the price for any of the months of September, through February shall not be lower, than the price for the preceding month.

The following amendment has been proposed by the Dairy Branch, Production and Marketing Administration:

6. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the tentatively approved marketing agreement, and the order, as amended, now in effect, may be procured from the Market Administrator, 527 First Huntington National Bank Building, Huntington, West Virginia, or from the Hearing Clerk, United States Department of Agriculture, in Room 1844, South Building, Washington 25, D. C., or may be there inspected.

Dated: January 31, 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 49-824; Filed, Feb. 3, 1949; 8:47 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 51]

[Docket No. FDC-54]

CANNED CORN; DEFINITIONS AND STANDARDS OF IDENTITY, QUALITY, AND FILL OF CONTAINER

NOTICE OF HEARING

In the matter of amending the definitions and standards of identity and establishing standards of quality and standards of fill of container for canned corn and canned field corn:

Notice is hereby given that the Federal Security Administrator, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371), will hold a public hearing commencing at 10:00 o'clock in the morning of March 15, 1949, in Room 5140, Federal Security Building, Independence Avenue and Fourth Street SW., Washington, D. C., to receive evidence on proposals to amend the definitions and standards of identity for canned vegetables other than those specifically regulated (21 CFR, Cum. Supp. 52.990) by deleting therefrom all references to canned corn and canned field corn, and on proposals to establish specific definitions and standards of identity, standards of quality, and standards of fill of container for these foods.

Mr. Edward E. Turkel is hereby designated as presiding officer to conduct the hearing in the place of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing. The presiding officer is required to certify the record of this hearing to the Administrator for initial decision.

The hearing will be conducted in accordance with the rules of practice provided therefor. Evidence will be restricted to that which is material and relevant to the subject matter of the proposals.

Proposed regulations which are subject to adoption, rejection, amendment, or modification, in whole or in part, as the evidence adduced at the hearing may require are as follows:

§ 51.20 *Canned corn, canned sweet corn, and canned sugar corn; identity; label statement of optional ingredients.* (a) Canned corn, canned sweet corn, canned sugar corn is the food prepared from one of the optional corn ingredients specified in paragraph (b) of this section, and water. It may be seasoned with one or more of the following optional seasonings:

(1) Salt.

(2) Sugar.

(3) Pieces of red sweet peppers, or green sweet peppers, or a mixture of these.

It is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional corn ingredients referred to in paragraph (a) of this section are prepared in the following forms from the husked and silked ears of immature sweet corn of the white or yellow color groups, or mixtures of these:

(1) Cut kernels from which the pericarp is not separated from the endosperm.

(2) Pieces of endosperm of the corn kernel substantially free from pericarp.

(3) Comminuted kernels from which the pericarp has not been separated.

(4) A mixture of the form described in subparagraph (1) of this paragraph, with one or both of the forms described in subparagraphs (2) and (3) of this paragraph, with or without starch in a quantity not more than sufficient to insure smoothness.

When tested by the method prescribed in paragraph (d) (1) of this section, 400 ml. of the corn ingredient designated in subparagraphs (2), (3), and (4) of this paragraph will spread in 30 seconds to cover an area equivalent to that of a circle less than 10 inches in diameter.

(c) The name of the food is "corn" or "sweet corn" or "sugar corn," preceded or followed by the name of the color group or mixture of color groups used, as for example "white"; "yellow" or "golden"; "white and yellow" or "white and golden" (when the white color group predominates). Such name is preceded or followed:

(1) By the words "whole kernel" or "whole grain" when the form of kernels specified in paragraph (b) (1) of this section is used. When the weight of the drained liquid in a container is not

more than 25 percent of the net weight, as determined by the method prescribed in paragraph (d) (2) of this section, and the vapor pressure within the container is not more than 15 inches of mercury, the words "vacuum pack" or "vacuum packed" precede or follow the name or the words "whole kernel" or "whole grain."

(2) By the word "fritter" when the form of corn kernels specified in paragraph (b) (2) of this section is used.

(3) By the words "crushed" or "ground" when the form of corn kernels specified in paragraph (b) (3) of this section is used.

(4) By the words "cream style" when the form of corn kernels specified in paragraph (b) (4) of this section is used.

(d) The methods referred to in paragraphs (b) and (c) (1) of this section are:

(1) In the forms specified in paragraph (b) (2), (3), and (4) of this section, allow the container to stand at least 24 hours at a temperature of 68° F. to 85° F. Open the container, determine the net weight, transfer into a pan, and stir thoroughly in such a manner as not to incorporate air bubbles. If the contents of a single container is less than 400 ml., open, determine the net weight, and mix the contents of just sufficient containers to obtain at least this volume. From the mixed material fill level full a hollow truncated cone so placed on a polished horizontal plate as to prevent leakage. The cone has an inside bottom diameter of 3 inches, inside top diameter of 2 inches, and height of $4\frac{27}{32}$ inches. As soon as the cone is filled lift it vertically. Determine the average diameter of the sample 30 seconds thereafter.

(2) Determine the percent of drained liquid specified in paragraph (c) (1) by the following method: Obtain the gross weight of the container. Open the container and distribute the contents over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table 1 of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the drained liquid. Dry and weigh the empty container and subtract this weight from the gross weight previously determined, to obtain weight of the food. Compute the percentage of drained liquid in the food.

(e) (1) When optional seasoning ingredient (a) (4) is used, the label shall bear the words "Seasoned with _____," the blank being filled in with the words showing the kind or kinds of sweet peppers used.

(2) When starch is used as an optional ingredient, as authorized in paragraph (b) (4) of this section, the label shall bear the words "Starch added to insure smoothness."

(f) Whenever the name of the food appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words herein specified showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the corn may so intervene.

§ 51.21 *Canned corn; quality; label statement of substandard quality.* (a) The standard of quality for canned corn is as follows: When tested by the methods prescribed in paragraph (b) of this section:

(1) Except in the whole kernel form, there is not more than one brown or black discolored piece for each 2 ounces; in the whole kernel form, there is not more than one brown or black discolored kernel for each 2 ounces of drained weight.

(2) In the cream style form, there are not more than two pulled kernels for each 1 ounce of washed drained residue; in the whole kernel form, there are not more than two pulled kernels for each 1 ounce of drained weight.

(3) Except in the whole kernel form, there is not more than 1 cc. of pieces of cob for each 20 ounces; in the whole kernel form, there is not more than 1 cc. of pieces of cob for each 14 ounces of drained weight.

(4) Except in the whole kernel form, there is not more than 1 square inch of husk for each 20 ounces; in the whole kernel form, there is not more than 1 square inch of husk for each 14 ounces of drained weight.

(5) Except in the whole kernel form, there are not more than 3 inches of silk for each 1 ounce; in the whole kernel form, there is not more than 1 inch of silk for each 1 ounce of drained weight.

(6) In the cream style form and the whole kernel form, the alcohol-insoluble solids in the drained material does not exceed 27 percent.

(7) In the cream style form, the washed drained residue is not less than 35 percent of the net contents.

(b) Canned corn shall be tested by the following methods, to determine whether it meets the requirements of paragraph (a) of this section:

(1) After completing the determination prescribed by § 51.20 (d) (1), transfer the material from the plate, cone, and original container or containers onto the sieve specified in § 51.20 (d) (2). Set the sieve in a pan of appropriate size. Add enough water to bring the level within $\frac{3}{8}$ to $\frac{1}{4}$ inch of the top of the sieve. Wash the material on the sieve by combined up-and-down circular motion for 30 seconds. Pour washings from pan, reserving them, as well as the subsequent washings, for further tests. Repeat washing with a second portion of water. Remove sieve from pan, incline to facilitate drainage and drain for 2 minutes. Record weight of material on sieve as washed drained residue.

Pour both washings through a 20-mesh sieve and discard wash water. Count, but do not remove, the brown or black discolored kernels or pieces and the pulled kernels in the material. (A pulled kernel is an entire, uncut kernel.) Remove pieces of silk more than ¼ inch long, husk, and cob. Measure total length of such silk. Spread the husk flat and measure its total area. Measure the cob by placing all pieces of cob under a measured amount of water in a cylinder which is graduated to 0.2 ml. The increase in volume is the volume of the cob.

In the cream style form, comminute the material remaining on the 8-mesh sieve. Weigh 10 gm. of the comminuted material into a 600-ml. beaker. Add 300 ml. of 80 percent alcohol, stir, cover beaker, and bring to a boil. Simmer slowly 30 minutes. Fit into Buchner funnel a filter paper of appropriate size (previously prepared by drying in flat-bottomed dish at temperature of boiling water, covering with a tight-fitting cover, cooling in desiccator, and weighing at once). Apply suction, and transfer contents of beaker to the Buchner funnel in such a manner as to avoid running over edge of paper. Suck dry and wash the alcohol-insoluble solids on filter with 80 percent alcohol until washings are clear and colorless. Transfer filter paper and alcohol-insoluble solids to dish used in preparation of filter paper, dry uncovered for 2 hours at temperature of boiling water, place cover on dish, cool in desiccator, and weigh at once. From this weight deduct weight of dish, cover, and paper and calculate the remainder to percentage.

(2) In the whole kernel form, drain as directed in § 51.20 (d) (2). Two minutes from the time drainage begins, determine the weight of material retained on the sieve and record as the weight of drained corn. Count, but do not remove, all discolored kernels and all pulled kernels. Also remove and measure pieces of silk more than ¼ inch long, husk, and cob, as described in paragraph (b) (1) of this section. Comminute the material from which the silk, husk, and cob have been removed, and determine the alcohol-insoluble solids as described in paragraph (b) (1) of this section.

(c) If the quality of the canned corn falls below the standard of quality prescribed by paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 of this chapter, in the manner and form therein specified.

§ 51.22 *Canned corn; fill of container; label statement of substandard fill.* (a) (1) The standard of fill of container for canned whole kernel corn, other than vacuum pack, is a fill such that the total weight of drained corn is not less than _____ of the water capacity of the container, except that in the case of very young corn as shown by alcohol-insoluble solids content of less than _____ determined as prescribed in the standard of quality, the standard of fill of container is a fill such that the total weight of drained corn is not less than _____ of the water capacity of the container.

(2) The standard of fill for canned whole kernel vacuum-pack corn is a fill such that the total weight of drained

corn is not less than _____ of the water capacity of the container.

(3) The standard of fill for canned fritter corn, canned crushed corn, and canned cream style corn, is a fill of not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 10.1 (b) of this chapter.

(b) For determining compliance with paragraph (a) (2) and (3) of this section, water capacity of containers is determined by the general method provided in § 10.1 (a) of this chapter. Drained weight is determined by the method prescribed in the standard of quality.

(c) If any canned corn falls below the applicable standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill provided in § 10.2 (b) of this chapter, in the manner and form therein prescribed.

No specific proposal is offered for a standard of identity for canned field corn, but proffered evidence will be received on all matter revelant to the subject, such as: what varietal groups, forms of kernels, and optional ingredients should be included; whether and how these should be declared on the label; and how such a standard would promote honesty and fair dealing in the interest of consumers.

Evidence will also be taken, if proffered, as to whether the consistency of cream style corn should be classed as a quality factor rather than an identity factor, and relevant requirements made part of the quality standard, together with a limit beyond which cream style corn would be considered so thick as to be classed as substandard.

Dated: January 31, 1949.

[SEAL] J. DONALD KINGSLEY,
Acting Administrator.

[F. R. Doc. 49-829; Filed, Feb. 3, 1949; 8:49 a. m.]

[21 CFR, Part 52]

[Docket No. FDC-53]

CANNED POTATOES; DEFINITIONS AND STANDARDS OF IDENTITY

NOTICE OF HEARING

In the matter of proposals to amend the definitions and standards of identity for canned potatoes:

Notice is hereby given that the Federal Security Administrator, upon application of a substantial portion of the interested industry stating reasonable grounds therefor, and in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371), will hold a public hearing commencing at 10:00 o'clock in the morning of March 14, 1949, in Room 5140, Federal Security Building, Independence Avenue and Fourth Street, SW., Washington, D. C., upon the applicants' proposal to amend the definitions and standards of identity for canned vegetables other than those specifically regulated (21 CFR, Cum. Supp. 52.990), insofar as they relate to canned potatoes, to provide for the use of purified calcium chloride, calcium sulfate, calcium citrate, or monocalcium phosphate or any two or more of these calcium salts in limited amounts as optional ingredients for firming the potatoes, and to provide for label statement of such optional ingredients.

Mr. Edward E. Turkel is hereby designated as presiding officer to conduct the hearing in the place of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing. The presiding officer is required to certify the record of this hearing to the Administrator for initial decision.

The hearing will be conducted in accordance with the rules of practice provided therefor. Evidence will be restricted to that which is material and relevant to the subject matter of the proposals.

The proposals are subject to adoption, rejection, amendment, or modification, in whole or in part, as the evidence may require.

Dated: January 31, 1949.

[SEAL] J. DONALD KINGSLEY,
Acting Administrator.

[F. R. Doc. 49-828; Filed, Feb. 3, 1949; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

DECEMBER 31, 1948.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Sacramento, California, land district, embracing 120.79 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 119

For lease and sale for all purposes mentioned in the act except business.
T. 27 S., R. 33 E., M. D. M., sec. 5, Lots 3, 4.

2. As to applications regularly filed prior to 8:30 a. m., November 16, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., March 4, 1949. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., March 4, 1949, to the close of business on June 2, 1949.

(b) Advance period for veterans' simultaneous filing from 8:30 a. m., November 16, 1948, to the close of business on March 4, 1949.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., June 3, 1949.

(a) Advance period for simultaneous nonpreference filings from 8:30 a. m., November 16, 1948, to the close of business on June 3, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions to extend east and west.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a 10-acre subdivison is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $20.00 an acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Leases will be subject to such easements for road rights of way as may be necessary to permit ingress or egress by other lessees to or from other lands leased under authority of this order.

11. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Sacramento, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 49-817; Filed, Feb. 3, 1949; 8:45 a. m.]

CALIFORNIA

NOTICE FOR FILING OBJECTIONS TO WITHDRAWAL OF PUBLIC LANDS FOR USE OF DEPARTMENT OF ARMY FOR FLOOD CONTROL PURPOSES [1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington, 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JANUARY 26, 1949.

[F. R. Doc. 49-849; Filed, Feb. 8, 1949; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Office of Industry Cooperation

VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS FOR ALLOCATION OF STEEL PRODUCTS FOR REQUIREMENTS OF FEDERAL AERONAUTICAL AGENCIES [2]

NOTICE OF PUBLIC HEARING ON PROPOSED FURTHER AMENDMENT

Notice is hereby given that a public hearing will be held on Monday, February 14, 1949, at 2:00 p. m., e. s. t., in the Auditorium on the street floor of the Department of Commerce Building, 14th Street, between E Street and Constitution Avenue, NW., Washington, D. C., for the purpose of affording to industry, labor and the public generally an opportunity to present their views with respect to a further amendment of the amended voluntary plan, under Public Law 395, 80th Congress, for the allocation of steel products for requirements of the National Advisory Committee for Aeronautics.

The proposed amendment will make the benefits of the plan available for the requirements of the Civil Aeronautics Administration and will provide for an additional 250 tons of steel products a month for that purpose.

A draft of the proposed amendment is attached as Exhibit A. It is subject to revision at or after the public hearing, including any revision which may become appropriate by virtue of enactment of extension legislation before final approval of the proposed documents.

Legislation to extend the provisions of Public Law 395 is now pending. If such legislation is not enacted before final approval of this amendment, consideration will be given to amending the request for unilateral action after February 28, 1949 under the wind-up provisions of subsection 2 (f) of Public Law 395. Such a request was previously approved by the Attorney General on December 1, 1948 and by the Secretary of Commerce on December 6, 1948.

The proposed amendment has been formulated after consultation with representatives of interested industries and Government agencies.

Any person desiring to participate in the public hearing should file a written notice of appearance with the Director of the Office of Industry Cooperation, Room 5847, Department of Commerce Building, Washington 25, D. C., not later than 5 p. m., e. s. t., on Thursday, February 10, 1949. Persons desiring to present written statements or memoranda should submit them, in triplicate, at the hearing.

[SEAL] JOHN R. ALISON,
Acting Secretary of Commerce.

EXHIBIT A—AMENDED PLAN

PROPOSED AMENDMENT OF VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS FOR ALLOCATION OF STEEL PRODUCTS FOR REQUIREMENTS OF FEDERAL AERONAUTICAL AGENCIES

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919 (after consultation with representatives of the steel producing industry, and with the interested government agencies, and after giving opportunity for the expression of the views of industry, labor and the public generally at an open public hearing held on February 14, 1949), has determined that the following amendment of the existing amended plan of voluntary action for Allocation of Steel Products for Requirements of the National Advisory Committee for Aeronautics, in order to provide for requirements of the Civil Aeronautics Administration, is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395.

Therefore, the said voluntary plan is redesignated as the "Amended Voluntary Plan, under Public Law 395, 80th Congress, for Requirements of Federal Aeronautical Agencies" and the plan is further amended, in its entirety, to read as follows:

1. *What this plan does.* This Plan sets up the procedure under which steel producers participating in this Plan (hereinafter called Producers) agree voluntarily to make steel products available for the construction, repair, maintenance, and operation of aeronautical facilities of the following statutory aeronautical agencies (hereinafter called the Aeronautical Agencies): Civil Aeronautics Administration (hereinafter called the CAA) and the National Advisory Committee for Aeronautics (hereinafter called the NACA). The steel products provided for herein are to be made available either directly to the Aeronautical Agencies or to persons who need them to fill contracts for the Aeronautical Agencies and who comply with the provisions of this Plan. Such persons (hereinafter collectively called participating Contractors) include prime contractors for the Aeronautical Agencies, their subcontractors, and steel fabricators supplying, or under contract to supply, steel products to such prime contractors or their subcontractors.

2. *Agreement by steel producers.* Beginning with the month of March 1949 and continuing during the period this Plan remains in effect, Producers will, out of their own production or that of their producing subsidiaries or affiliates, make available to the Aeronautical Agencies and to their participating Contractors a total 2,176 net tons of steel products per month, distributed by agencies and types approximately as follows:

Type	Net tons per month		
	NACA	CAA	Total
Hot rolled bars	10	20	30
Reinforcing bars	530	10	540
Structural shapes	600	110	710
Plates	575	5	580
Sheets	86	90	176
Rails	11	0	11
Seamless pipe and tubing	80	0	80
Rigid conduit	34	15	49
Total net tons per month	1,926	250	2,176

3. *Determination of quantities to be furnished by respective producers.* Unless otherwise specified in its acceptance of this Plan, the quantities to be made available by each Producer, as its commitment under this Plan, will be such as the Secretary of Commerce, after consulting the Steel Task Committee of the Office of Industry Cooperation of the Department of Commerce, determines to be fair and equitable. Each Producer will from time to time, however, upon request of the Secretary of Commerce, give consideration to making additional quantities available. Producers will take credit against their commitments under this Plan only for deliveries to the Aeronautical Agencies and to participating Contractors on orders certified in accordance with paragraph 9 below.

4. *Contractual arrangements.* Such Products will be made available under such contractual arrangements as may be made by the respective Producers, or their producing subsidiaries and affiliates, with the Aeronautical Agencies and the respective participating Contractors. No request or authorization will be made by the Department of Commerce relating to the allocation of orders or customers, the delivery of products, the allocation of business among participating Contractors, or any limitation or restriction on the production or marketing of any products. This Plan does not authorize nor approve any fixing of prices, and participation in this Plan does not affect the prices or terms and conditions on which any product is actually sold and delivered.

5. *Limitations as to types, sizes and quantities.* A Producer need make available under this Plan only those products which are within the type and size limitations of the mill or mills which it may select for the fulfillment of its commitment under this Plan. The quantities which it may have undertaken to make available in any month may be reduced, or at its option their delivery may be postponed, in direct proportion to any production losses during the month due to causes beyond its control.

6. *Reports from steel producers.* Each Producer will, if requested by the Office of Industry Cooperation of the Department of Commerce (subject to approval of the Bureau of the Budget under the Federal Reports Act of 1942), submit to that Office periodic reports of the total quantities, by types, of products shipped, and accepted for shipment, under this Plan.

7. *Reports from participating contractors.* The Office of Industry Cooperation of the Department of Commerce (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942) may require any participating Contractor to furnish re-

[1] See F. R. Doc. 49-848, Title 43, Chapter 1, Appendix, *supra*.

[2] This plan was originally designated as "Allocation of Steel Products for Requirements of the National Advisory Committee for Aeronautics."

ports with respect to steel products on hand and under arrangements, or any other information pertinent to any orders placed under this Plan.

8. *Obligations of participating contractors.* By participation in this Plan, each participating Contractor shall be obligated as follows: To use all products obtained under this Plan solely for filling contracts with or for the Aeronautical Agencies; not to resell or transfer any such products in the form received by the participating Contractor, except to such subsidiary, affiliate, subcontractor or fabricator as may be designated for the manufacture or fabrication of products needed for delivery to the Aeronautical Agencies or for incorporation into products for delivery to the Aeronautical Agencies; and not to build up, beyond current needs, any inventories of products obtained or end products manufactured, under this Plan. If a participating Contractor becomes unable to use, for the purposes of this Plan, any products obtained under the Plan, he shall be further obligated to hold them subject to such other use or disposition (including reallocation to other consumers or return to the producer (from whom purchased) as shall be authorized by the Office of Industry Cooperation of the Department of Commerce.

9. *Procedure for placing orders under this plan.* Purchase orders placed under this Plan for steel products are to be placed with participating producers or their producing subsidiaries or affiliates. Each purchase order or contract placed by the CAA or NACA, with producers or with participating Contractors, under this Plan will be specifically identified as being so placed. Each purchase order placed by a participating Contractor under this Plan shall be placed in accordance with instructions issued by the Aeronautical Agencies, after consultation with the Office of Industry Cooperation of the Department of Commerce, and shall bear the following certification by the participating Contractor:

The undersigned certifies to the seller and to the Department of Commerce that the products specified in this order will be used solely to fill the undersigned's requirements under Contract No. _____ [insert number of contract and name of Aeronautical Agency], which has been designated by said Aeronautical Agency as having been placed under Department of Commerce Amended Voluntary Plan under Public Law 395, 80th Congress, for Allocation of Steel Products for Requirements of Federal Aeronautical Agencies, with which Plan the undersigned is familiar.

_____

By _____

(Signature and title of duly authorized officer)

_____

(Date)

Orders properly certified before the issuance of this amendment of the Plan need not be re-certified to conform with the modified certification above.

10. *Procedure for, and effect of, becoming a participant.* After approval of this Plan by the Attorney General and by the Secretary of Commerce, and after requests for compliance with it have been made of steel producers by the Secretary of Commerce, any such steel producer may become a participant in this Plan by advising the Secretary of Commerce, in writing, of its acceptance of such request. Such requests for compliance will be effective for the purpose of granting certain immunity from the antitrust laws and the Federal Trade Commission Act, as provided in Section 2 (c) of Public Law 395, only with respect to such producers as notify the Secretary of Commerce in writing that they will comply with such requests.

11. *Effective date and duration.* This Plan shall become effective upon the date of its final approval by the Secretary of Commerce and shall cease to be effective at the close of business on February 28, 1949. However, if the time limitation of March 1, 1949, now specified in subsection 2 (b) of Public Law 395 is extended or otherwise changed by legislative action in a form which permits the continuation of this Plan, the Plan shall thereupon automatically continue in effect until September 30, 1949 (or to the date specified in such legislative action if a date earlier than September 30, 1949 is so specified), subject to other applicable provisions in this Plan regarding earlier termination by the Secretary of Commerce and withdrawal by individual participants.[3] During the continuation period, steel products will be made available, at the rate of approximately 1,926 net tons per month, distributed by types as specified in paragraph 2 of this Plan. However, the Plan may be terminated on such earlier date as may be determined by the Secretary of Commerce, upon not less than 60 days' notice by letter, telegram, or publication in the FEDERAL REGISTER.

12. *Withdrawal from plan.* Any Producer may withdraw from this Plan by giving not less than 60 days written notice to the Secretary of Commerce.

13. *Clarifying interpretations.* Any interpretation issued by the Secretary of Commerce (after consultation with the Attorney General), in writing, to clarify the meaning of any terms of provisions in this Plan, shall be binding upon all participants notified of such interpretation.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

[F. R. Doc. 49-846; Filed, Feb. 3, 1949; 8:52 a. m.]

[3] This provision will be appropriately modified if extension legislation is enacted before final approval of this amendment.

Office of International Trade

[Case No. 41]

SHELDON MERCHANDISING CORP. ET AL.

ORDER SUSPENDING LICENSE PRIVILEGES

In the matter of: Sheldon Merchandising Corporation, Philip S. Gutride, Benjamin D. Levenstein, Sheldon Sweid, World Over Tire Agency, Inc.

This proceeding was begun on November 16, 1948, by the mailing of a charging letter to the above-named respondents, wherein the Office of International Trade charged respondents with having violated section 6 of the act of July 2, 1940 (54 Stat. 714), as amended, and the regulations issued thereunder, by exporting or attempting to export from the United States to China, in each of several calendar weeks during the months of May, June and July, 1948, quantities of streptomycin having a value in excess of $100, under the pretended authority of General License GLV and pursuant to the false representation and certification that such exportations were being made in accordance with said General License GLV, as a series of separate and independent shipments, each not exceeding $100 in value, by a large number of named consignors in the United States to a large number of named consignees in China, whereas in truth and effect, as respondents well knew, such consignors and consignees were mere nominees, respectively, of respondents and of a single importer in China, with the consequence that all of such exportations were in reality made or attempted to be made by and for the benefit of respondents to and for the benefit of such single importer in China.

Hearings were held on said charges, pursuant to notice duly given, in Washington on December 3, 1948, and in New York City on December 10, 1948, before the Compliance Commissioner. Respondents as well as the Office of International Trade were represented by counsel, and the Compliance Commissioner, after receiving the evidence presented and after due consideration of the record, on January 28, 1949 filed his report in the matter.

It appears from the record and the report of the Compliance Commissioner that respondent Sheldon Merchandising Corporation is a corporation having its principal place of business in New York City and at all times relevant to this proceeding was and still is in the business of buying and selling merchandise for shipment in the export trade; that respondent Sheldon Sweid at all times relevant to this proceeding was and still is the principal stockholder and the operating head of said corporation, having been president until June 29, 1948, and vice-president since that date; that respondent Philip S. Gutride at all times relevant to this proceeding was and still is an officer and stockholder of said corporation, having been president since June 29, 1948; that respondent Benjamin D. Levenstein at all times relevant to this proceeding was and still is the secretary and a stockholder of said corporation and its attorney; that respondent World Over Tire Agency, Inc., at all times relevant to this proceeding was and still is a corporation wholly owned and controlled by respondent Sweid and engaged in New York City in export trade, but is not otherwise involved in this proceeding.

It further appears from the record and the report of the Compliance Commissioner that the charges as set forth in the above-mentioned charging letter of November 16, 1948 have been proved and that respondent, as alleged in such charging letter, did in fact, in each of several calendar weeks subsequent to May 14, 1948 and during the months of May, June and July, 1948, export or attempt to export quantities of streptomycin having a value in excess of $100, to a single importer in China, under the pretended authority of General License GLV, and that respondents did in fact knowingly falsify export declarations filed by them by misstating the true exporters and the true consignees and by certifying thereon that the total value of all export shipments of streptomycin made by the exporter under General License GLV during the then current calendar week did not exceed $100. It likewire appears from the record and the report of the Compliance Commissioner that such exportations were made or attempted to be made by respondents in the names of a large number of pretended consignors who were in fact mere figureheads for respondents and, furthermore, that such exportations were made or attempted to be made to a single importer in China in the names of a

large number of pretended consignees who were in fact mere figureheads for such single importer and that respondents knew or are chargeable with knowledge that such was the case. It appears from the record and the Compliance Commissioner has found as a fact that respondents thereby violated the regulations promulgated under section 6 of the act of July 2, 1940 (54 Stat. 714), as amended, and also violated section 35A of the United States Criminal Code (18 U. S. C. 80).

The Compliance Commissioner has accordingly recommended that respondents be denied the privilege of obtaining or using or participating directly or indirectly in the obtaining or using of export licenses, including general licenses, for a period of six months from the date of this order, and, further, that such denial be made applicable not only to said respondents individually but also to any affiliate or successor of either of the corporate respondents and to any firm, corporation or other business association in which any of the individual respondents may have a controlling interest or hold a position of responsibility.

The findings and recommendations of the Compliance Commissioner have been carefully considered together with the record in this matter and it appears that such findings are supported by the record and that such recommendations should be adopted.

Now, therefore, it is ordered, As follows:

(1) Respondents and each of them are hereby denied the privilege of obtaining or using or participating directly or indirectly in the obtaining or using of export licenses, including general licenses, for a period of six months from the date of this order.

(2) Such denial of export license privileges shall extend not only to each of said respondents but also to any affiliate or successor of the corporate respondents and to any firm in which any of the individual respondents shall be or become a partner or have a controlling interest or hold a position of responsibility, and to any corporation or other business organization in which any of such individual respondents shall have a controlling interest or hold a position of responsibility.

Dated: January 31, 1949.

JOHN W. EVANS,
Director, Commodities Division.

[F. R. Doc. 49-826; Filed, Feb. 3, 1949; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F. R. 2862, and as amended June 25, 1942, 7 F. R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, learner occupations, wage rates, learning periods, and effective and expiration dates of the certificates are as follows:

Regulations, Part 522—Regulations applicable to the employment of learners.

Mayaguez Printing, Mayaguez, Puerto Rico; to employ 3 learners in the printing industry, as follows: 1 learner in the occupation of typesetter at not less than 16 cents an hour for the first 690 hours, not less than 21 cents an hour for the second 690 hours, and not less than 26 cents an hour for the third 690 hours; and 2 learnerns in the occupation of pressman at not less than 16 cents an hour for the first 460 hours, not less than 21 cents an hour for the second 460 hours, and not less than 26 cents an hour for the third 460 hours. This certificate is effective December 21, 1948 and expires December 20, 1949.

Granada Glove Corp., Cayey, Puerto Rico; to employ 190 learners in the fabric glove industry, as follows: 90 learners in the occupations of closing and inserting at 27 cents an hour for 400 hours; 40 learners in the occupations of kiling and gusseting at 27 cents an hour for 280 hours and 60 learners in the occupations of kip-seaming, pointing, hemming, and thumb seaming at 27 cents an hour for 200 hours. This certificate is effective January 13, 1949 and expires July 12, 1949.

Casa Baldrich, Inc., San Juan, Puerto Rico; to employ 10 learners in the printing industry, as follows: 6 learners as typesetters at not less than 16 cents an hour for the first 690 hours, not less than 21 cents an hour for the second 690 hours, and not less than 26 cents an hour for the third 690 hours; and 4 learners as pressmen at not less than 16 cents an hour for the first 460 hours, not less than 21 cents an hour for the second 460 hours, and not less than 26 cents an hour for the third 460 hours. This certificate is effective January 12, 1949 and expires January 11, 1950.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at Washington, D. C., this 28th day of January, 1949.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 49-830; Filed, Feb. 3, 1949; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-127, 59-3, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of January 1949.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Electric Bond and Share Company ("Bond and Share"), a registered holding company. Declarant designates sections 6 and 7 of the act as applicable to the proposed transaction.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transaction therein proposed which is summarized as follows:

Bond and Share proposes to enter into an agreement with thirteen banks renewing for an additional period of two years its loans held by such banks in the aggregate amount of $12,000,000 which are due on February 25, 1949. The new loans will be evidenced by promissory notes bearing interest at the rate of 2½% per annum and maturing February 25, 1951. The promissory notes provide that without the consent of the holders of at least 66⅔% in principal amount of all the promissory notes, the company will not pay any dividends except out of surplus earned subsequent to December 31, 1946. In addition the company agrees to apply the proceeds from the sale of any securities amounting to $1,000,000 or more toward the payment of the notes.

It appearing to the Commission that it is appropriate in the public interest that a hearing be held with respect to said declaration and that the same shall not become effective except pursuant to further order of the Commission;

It is ordered, That a hearing on said declaration pursuant to the applicable provisions of the act and the rules and regulations thereunder be held on February 10, 1949 at 10:00 a. m., e. s. t., at the office of this Commission, 425 Second Street NW., Washington 25, D. C. On such date the Hearing Room Clerk in Room 101 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of this Commission on or before February 8, 1949 a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That James G. Ewell or any other officer or officers of

the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has been made a preliminary examination of the declaration and that, on the basis thereof, without prejudice to the presentation of additional matters and questions upon further examination, the following matters and questions are presented for consideration:

1. Whether the terms of the proposed promissory notes are such as to conflict with the prompt compliance by Bond and Share with the requirements of section 11 of the act and with the provisions of Bond and Share's Plan II–A heretofore approved by the Commission.

2. Specifically, whether the Commission's approval of the proposed bank loan should be limited to permitting an extension of one year and should require that further renewals thereof may be obtained only upon application to and approval by the Commission;

3. Whether appropriate modifications should be made in the proposed loan agreement in order to permit Bond and Share, without consent of the note holders, to dispose of all its interest in Birmingham Electric Company, whether by distribution to stockholders or otherwise;

4. Whether the consideration, fees, commissions or other remuneration proposed to be paid in connection with the issue and sale of such notes are reasonable;

5. Whether the provisions of the notes are detrimental to the public interest or the interest of investors and if so, what terms and conditions should be imposed.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Bond and Share and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER and that a general release of this notice and order be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49–820; Filed, Feb. 3, 1949; 8:46 a. m.]

[File No. 68–99]

LONG ISLAND LIGHTING CO.

ORDER GRANTING REQUEST

In the matter of William C. Langley, Laurence M. Marks and Lee P. Stack, acting as Long Island Lighting Company 7% and 6% preferred stockholders' group, File No. 68–99.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 28th day of January 1949.

A declaration, and amendments thereto, having been filed with the Commission, pursuant to sections 11 (g) and 12 (e) of the Public Utility Holding Company Act of 1935 and Rule U-62 promulgated thereunder, by William C. Langley, Laurence M. Marks and Lee P. Stack, with respect to a proposed solicitation of authorizations from the preferred stockholders of Long Island Lighting Company, a registered holding company; and

The Commission having permitted the declaration, as amended, to become effective; and

Declarants having filed a post effective amendment wherein it is stated that William C. Langley is a partner in the firm of W. C. Langley & Co., members of the New York Stock Exchange, and that Laurence M. Marks is a partner in the firm of Laurence M. Marks & Co., members of the New York Stock Exchange; and that the firms of W. C. Langley & Co. and Laurence M. Marks & Co. buy and sell securities of Long Island Lighting Company and its affiliated or associated companies for the account of their customers in the ordinary course of their business, the buying and selling consisting of the routine execution of unsolicited orders to buy or sell securities of all types; and

Declarants having stated that the restriction on such buying and selling by said firms imposes an undue burden upon said firms and is not necessary or appropriate in the public interest or for the protection of investors or consumers, and declarants having requested that the firm of W. C. Langley & Co. and the firm of Laurence M. Marks & Co. be exempted from the provisions of subsection (g) (2) of Rule U-62 prohibiting such companies from buying or selling securities of Long Island Lighting Company and its affiliated or associated companies when the buying or selling is a result of unsolicited orders obtained from their customers in the ordinary course of their business; and

The Commission having considered such request and deeming it appropriate in the public interest to grant it:

It is hereby ordered, That the request of declarants with respect to exempting W. C. Langley & Co. and Laurence M. Marks & Co. from the requirements of Rule U-62 (g) (2) prohibiting such firms from buying or selling securities of Long Island Lighting Company and its affiliated or associated companies for the account of their customers in the ordinary course of their business upon unsolicited orders from their customers be, and hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49–819; Filed, Feb. 3, 1949; 8:45 a. m.]

[File No. 70–2033]

SOUTHERN NATURAL GAS CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 31st day of January A. D. 1949.

Southern Natural Gas Company ("Southern"), a registered holding company, has filed an application, pursuant to sections 9 and 10 of the Public Utility Holding Company Act of 1935, with respect to the following proposed transactions:

Southern proposes to acquire up to one-half (125,000 shares) of the initial authorized common capital (250,000 shares at $1 par value per share) of the newly organized Coastal Pipe Line Corporation ("Coastal") in consideration of Southern contributing up to $125,000 for the initial exploration and investigation expenses needed by Coastal in gaining access to gas fields for the purpose of supplementing the present source of Southern's natural gas supply.

Said application having been duly filed, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the applicable requirements of the act are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the application be, and the same hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49–823; Filed, Feb. 3, 1949; 8:46 a. m.]

[File No. 70–2035]

STANDARD POWER AND LIGHT CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 31st day of January 1949.

Notice is hereby given that a declaration has been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Standard Power and Light Corporation ("Standard"), a registered holding company. Declarant has designated section 12 (c) of the act and Rule U-46 promulgated thereunder as possibly applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 23, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hear-

ing be held on such matter, stating the nature of his interest, the reasons for such request and the issue, if any, of fact or law raised by said declaration proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter such declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Standard proposes to declare and pay current dividends on its outstanding 34,054 shares of Preferred Stock, $7 Cumulative, ("preferred stock") in the event that it receives current dividends on its holdings of 40,751 shares of Prior Preference Stock, $7 Cumulative, of its subsidiary, Standard Gas and Electric Company. The Preferred Stock is entitled to cumulative dividends payable quarterly at the rate of $7 per share, per annum, before any dividends may be declared or paid upon any other class of stock. No dividends have been declared or paid on the preferred stock since November 1, 1934 and the arrearages aggregated $104.06 per share as of December 31, 1948. Annual dividend requirements amount to $238,378. Declarant has no debts other than current liabilities amounting to $9,849.58 as of December 31, 1948. Declarant states that upon receipt of current dividends on its holdings of Standard Gas and Electric Company Prior Preference Stock, $7 Cumulative, the current net income of Standard will exceed the current dividend requirements on its preferred stock.

The balance sheet of Standard contains an account designated Earned Surplus which aggregated $1,595,013.19 at December 31, 1948. It is proposed to charge that account with any dividends declared and paid on the preferred stock. It is asserted that the total assets of Standard as of December 31, 1948, based on market values of securities held at such time amounted to $5,941,960.41 and total liabilities amounted to $9,849.58, leaving net assets in the amount of $5,932,110.83. The preferred stock is carried on Standard's books at $851,350 and has a preference in liquidation of aggregating $3,405,400 plus dividend arrearages.

Standard states that the declaration has been filed in order to obviate any possible question under section 12 (c) of the act and Rule U-46 as to the propriety of the declaration and payment by it of the proposed dividends without prior authorization by the Commission and also because of the Commission's order, dated June 20, 1942, requiring the liquidation and dissolution of Standard, which order provided, among other things, that application should be made to the Commission for an appropriate order before any action is taken by Standard for the purpose of compliance with the act.

Standard states that its estimated expenses consist of $500 for attorneys fees, $200 for the Dividend Paying Agents' fees and $200 for miscellaneous expenses.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-822; Filed, Feb. 3, 1949; 8:46 a. m.]

[File No. 70-2037]

DELAWARE POWER & LIGHT CO. AND EASTERN SHORE PUBLIC SERVICE CO. OF MARYLAND

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of January 1949.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Delaware Power & Light Company ("Delaware"), a registered holding company and an electric utility company, and its wholly owned subsidiary, the Eastern Shore Public Service Company of Maryland ("Eastern Shore"), an electric utility company. Applicants-declarants have designated sections 6 (b), 9 (a), 12 (d) and 12 (f) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 23, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application-declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 23, 1949, said joint application-declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said joint application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Eastern Shore will issue and sell, from time to time, but not later than December 31, 1950, up to $2,000,000 principal amount of its 4% promissory notes due October 1, 1973, and 20,000 shares of its common stock of the par value of $100 per share. Delaware will purchase said securities at the principal amount or par value, respectively, and upon the purchase of any notes, Delaware will purchase common stock of an aggregate par value equal to the principal amount of such notes. The proceeds from the sale of said notes and common stock, which will not exceed $4,000,000, are to be used to finance Eastern Shore's construction program and to reimburse its treasury for money previously expended for such construction program. The notes and stock to be acquired by Delaware will be pledged by it with the Trustee under its mortgage dated October 1, 1943, in accordance with the provisions of the Indenture of Mortgage.

The proposed transactions have been submitted to the Public Service Commission of Maryland for its approval.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-821; Filed, Feb. 3, 1949; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12590]

WILLIAM BREISACHER ET AL.

In re: Trust agreement dated July 3, 1936, between William Breisacher, et al.; settlors, and the Bergenfield National Bank & Trust Company, trustee. File No. D-28-2491-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Berta Leipert, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Franz Theodore Schmidt, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated July 3, 1936, by and between William Breisacher, Frederick Breisacher, Amy Breisacher, C. Milton Breisacher, Viola B. Breisacher, Freda Ricka Trautwein, Gustav F. Trautwein, Mary Ehret, Amelia Munson, Jonathan J. Munson, Lena C. Ammon, Evelyn Bahr, John B. Bahr, Franz Theodore Schmidt and Emma Schmidt, trustors, and The Bergenfield National Bank & Trust Company, trustee, presently being administered by The Bergenfield National Bank & Trust Company, trustee, Bergenfield, New Jersey,

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Franz Theodore Schmidt, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-831; Filed, Feb. 3, 1949; 8:50 a. m.]

[Vesting Order 12593]

LUDWIG STREPP AND ADOLF KUTTROFF

In re: Trust agreement dated June 8, 1916, between Ludwig Strepp, settlor, and Adolf Kuttroff, trustee. File No. F-28-5690-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anne Strepp and Norman B. L. Strepp, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated June 8, 1916, by and between Ludwig Strepp, settlor and Adolf Kuttroff, trustee, presently being administered by Irving Trust Company, One Wall Street, New York, N. Y. Substituted Trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-832; Filed, Feb. 3, 1949; 8:50 a. m.]

[Vesting Order 12621]

ELIZABETH HOFMANN AND BISHOP TRUST CO., LTD.

In re: Trust agreement dated May 3, 1922 between Elizabeth Hofmann, settlor, and Bishop Trust Company, Limited, trustee. File No. F-28-6566 G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katharine Brunnemann, Mathilde Hofmann, Barbara Mellman, Reinhard Hofmann and Brigitte Heunefeld, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown of Mathilde Hofmann, of Barbara Mellman, of Reinhard Hofmann and of Brigitte Heunefeld, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated May 3, 1922 by and between Elizabeth Hofmann, settlor, and Bishop Trust Company, Limited, trustee, presently being administered by Bishop Trust Company, Limited, P. O. Box 2390, Honolulu 4, Hawaii, as trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Mathilde Hofmann, of Barbara Mellman, of Reinhard Hofmann and of Brigitte Heunefeld, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 5, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-833; Filed, Feb. 3, 1949; 8:50 a. m.]

[Vesting Order 12623]

FREDERICK W. ILG

In re: Trust under the will of Frederick W. Ilg, deceased. File No. D-28-12346; E. T. sec. 16566.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Gotlieb Pfeiffer, Johann Herman Schofer and Hedwig Gotlieb (Schofer) Vortler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Frederick W. Ilg, deceased, and in and to the trust created under the will of Frederick W. Ilg, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Land Title Bank and Trust Company, as substituted trustee, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States re-

quires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 5, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-834; Filed, Feb. 3, 1949; 8:50 a. m.]

[Vesting Order 12680]

JOHN FREDERICK BUCHHOLZ

In re: Estate of John Frederick Buchholz, deceased. File No. D-28-12448; E. T. sec. No. 16667.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margaret Sophie Mueller Roepe and Wilhelm Diedrich H. Mueller, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of John Frederick Buchholz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Orval C. Sutter, as administrator, acting under the judicial supervision of the Probate Court of St. Louis County, Missouri;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 13, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-837; Filed, Feb. 3, 1949; 8:50 a. m.]

[Vesting Order 12650]

AUGUST VOELCKER

In re: Trust under the will of August Voelcker, deceased. File No. D-28-10648-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the City of Edenkoben, Rhein Pfalz, Germany, is a political sub-division of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the said City of Edenkoben, Rhein Pfalz, Germany, in and to the trust created under the will of August Voelcker, deceased, is property payable or deliverable to, or claimed by, the aforesaid designated enemy country (Germany);

3. That such property is in the process of administration by Wilhelmina H. Herdje and Joseph R. Schmidberger, as trustees, acting under the judicial supervision of the Surrogate's Court of Nassau County, New York.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 5, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-836; Filed, Feb. 3, 1949; 8:50 a. m.]

[Vesting Order 12746]

MAX EGAN

In re: Real property owned by Max Egen, also known as Max Egan.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Egen, also known as Max Egan, whose last known address is AM Lueginsland 10/1, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Real property, particularly described as Lot 117, Tract 7813, in the County of Los Angeles, State of California, as per map recorded in Book 99, Pages 95 and 96 of Maps, in the Office of the County Recorder of said County, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-814; Filed, Feb. 2, 1949; 8:58 a. m.]

[Bar Order 6]

FILING OF CLAIMS IN RESPECT OF CERTAIN DEBTORS

ORDER FIXING BAR DATE

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Attorney General by said act and Executive Order 9788, July 1, 1949, is hereby fixed as the date after

which the filing of claims shall be barred in respect of debtors, any of whose property was first vested in or transferred to the Attorney General between July 1, 1947, and December 31, 1947, inclusive.

Executed at Washington, D. C., this 28th day of January 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-840; Filed, Feb. 3, 1949; 8:51 a. m.]

[Vesting Order 12697]

BERTHA TIETZ AND ERNA KUHN

In re: Interests in real property, mortgages, property insurance policies and claim owned by Bertha Tietz and Erna Kuhn.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha Tietz, whose last known address is Koenigsberg, Pr. Tragheimer, Pulverstrassee 8, Germany, and Erna Kuhn, whose last known address is Seeburg/Ostpreussen, Markt 2, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-half (½) interest in real property situated in the Borough and County of Queens, City and State of New York, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. An undivided one-half (½) interest in a mortgage executed on November 21, 1904, by Christian Petersen and Anna Petersen, his wife, to The Green Point Savings Bank, and recorded in the Office of the Register of Kings County, New York, on November 22, 1904, in Liber 36 of Mortgages, Page 39, and assigned after mesne assignments, by Title Guarantee and Trust Company to Anna E. Willerth and Albert Willerth, by instrument executed January 27, 1926, and recorded in the Office of the Register of Kings County, New York, on March 9, 1926, in Liber 6275 of Mortgages, Page 499, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations, and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

c. An undivided one-half (½) interest in a mortgage executed November 25, 1908, by Francis A. Hadley and Rebecca S. Hadley, his wife, to Title Guarantee and Trust Company, and recorded November 27, 1908, in the Office of the Register of Kings County, New York, in Liber 3240 of Mortgages, Page 3, which mortgage was assigned by Title Guarantee and Trust Company to Anna E. Willerth and Albert Willerth by instrument executed January 3, 1912, and recorded in the Office of the Register of Kings County, New York, on January 12, 1912, in Liber 3704 of Mortgages, Page 154, and any and all obligations secured by said mortgage, including but not limited to all security rights (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

d. An undivided one-half (½) interest in a mortgage executed December 2, 1921, by Laura I. Fish to Title Guarantee and Trust Company, and recorded on December 3, 1921, in the Office of the Register of Queens County, New York, in Liber 2046 of Mortgages, Page 385, which mortgage was assigned by Title Guarantee and Trust Company to Albert Willerth and Anna E. Willerth, by instrument executed December 3, 1931, and recorded in the Office of the Register of Queens County, New York, on January 2, 1932, in Liber 3934 of Mortgages, Page 91, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations, and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

e. An undivided one-half (½) interest in a mortgage executed on June 1, 1921, by Forman Realty Company to Albert Willerth and Anna E. Willerth, his wife, and recorded in the Office of the Register of Queens County, New York, on June 30, 1921, in Liber 2006, Page 28, and assigned after mesne assignments, by Title Guarantee and Trust Company, as Executor of the last will and testament of Albert Willerth, deceased, to Title Guarantee and Trust Company, as agent for Joseph R. Willerth, Bertha Tietz, and Martha Kuhn, by instrument executed November 8, 1937 and recorded in the Office of the Register of Queens County, on November 24, 1937, in Liber 4393 of Mortgages, Page 306, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations, and the right to possession of any and all notes, bonds and other instruments evidencing such obligations.

f. All right, title and interest of the persons named in subparagraph 1 hereof, in and to the property insurance policies described in Exhibit B attached hereto and by reference made a part hereof, which policies insure the property described in subparagraph 2–a hereof, and the property subject to the mortgages described in subparagraph 2–b to 2–d hereof, inclusive, together with all extensions or renewals thereof, and

g. That certain debt or other obligation owing to Bertha Tietz by Title Guarantee and Trust Company, 176 Broadway, New York 7, New York, arising out of rents and payments of interest and principal heretofore collected on account of the property described in subparagraphs 2–a through 2–d hereof, inclusive, and proceeds from certain mortgages liquidated by Title Guarantee and Trust Company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2–b to 2–g hereof, inclusive,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Parcel No. 1. All those certain lots, pieces or parcels of land, situate, lying and being at Springfield, Queens County, New York, known and designated on a certain map entitled, "Revised Map of Sheffield Manor, Fourth Ward, Borough of Queens, New York City, surveyed July, 1909, by A. E. Conklin and Son, City Surveyors, Jamaica, New York," and filed in the office of the Clerk of the County of Queens, October 28th, 1909, as and by the lot numbers five hundred and eighty-five (585) to five hundred and ninety-two (592) both inclusive, and six hundred and five (605) to six hundred and eight (608) both inclusive, in Block twenty-four (24).

Parcel No. 2. All those certain lots, pieces or parcels of land situate, lying and being in the Village of Springfield, Queens County, known and designated on a certain map entitled "Map of Sheffield Manor, Fourth Ward, Borough of Queens, City of New York, July, 1909, by A. E. Conklin and Sons, City Surveyor, Jamaica, New York" and filed in the office of the Clerk of the County of Queens Oc-

tober 28, 1909, as map number 638 as and by lots number 634 and part of lot 633 in Block 23 which said lots are more particularly bounded and described as follows. Beginning at a point on the southerly side of Clifford Avenue distant 85.71 feet easterly from the corner formed by the intersection of the said southerly side of Clifford Avenue with easterly side of Hudson Street running thence southerly parallel with the easterly side of Hudson St. and part distance through a party wall 95 feet thence easterly and parallel with Clifford Avenue 34.29 feet, thence northerly and parallel with Hudson Street 95 feet to the southerly side of Clifford Avenue, thence westerly on the said southerly side of Clifford Avenue 34.29 feet to the point or place of beginning.

EXHIBIT B

Name of company and address	Type	Number	Amount	Expiration date	Property covered
Fireman's Insurance Co., of Newark, 10 Park Pl., Newark, N. J.	Fire	1598	$7,650.00	1-11-51	145-19 221st St., Springfield Gardens, N. Y.
Great American Indemnity Co., 1 Liberty St., New York, N.Y.	Public liability Schedule 3.	428584	25/50,000	1-1-49	Do.
Home Insurance Co., 59 Maiden Lane, New York, N. Y.	Fire	67599	4,600.00	2-3-50	220-10 145th Ave., Springfield Gardens, N. Y.
Great American Indemnity Co., 1 Liberty St., New York, N. Y.	Public liability Schedule 5.	428584	25/50,000	1-1-49	Do.
Home Insurance Co., 59 Maiden Lane, New York, N. Y.	Fire	843837	9,000.00	11-16-48	328 Nassau Ave., Brooklyn, N. Y.
Queen Insurance Co. of America, 150 Williams St., New York, N. Y.	do	259748	2,000.00	1-20-51	Do.
Aetna Insurance Co., Hartford, Conn.	do	242224	3,000.00	4-6-50	407 Monroe St., Brooklyn, N. Y.
Aetna Insurance Co., Hartford, Conn.	do	246253	3,000.00	11-25-50	Do.
Home Insurance Co., 59 Maiden Lane, New York, N. Y.	do	87342	1,500.00	9-19-50	133-38 41st Road, Flushing, Long Island.
Northern Insurance Co. of New York, 83 Maiden Lane, New York, N. Y.	do	570475	6,000.00	12-2-49	Do.

[F. R. Doc. 49-813; Filed, Feb. 2, 1949; 8:58 a. m.]

[Vesting Order 12639]

RUDOLF PAGENSTECHER ET AL.

In re: Trust agreement dated January 10, 1934, between Rudolf Pagenstecher, settlor, and Hiram C. Todd and Rudolf Pagenstecher, trustees. File No. D-28-2561-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albrecht von Estorff, Hans von Estorff, Helga Marie Von Kameke, Allard von Kameke, Armgaard von Estorff, Hans Eckart von Estorff, Otto von Estorff, Otto von Estorff, Jr., Eghard von Estorff, Helmuth von Estorff, and Wilhelm von Estorff, whose last known address, is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Albrecht von Estorff, of Hans von Estorff, and of Otto von Estorff, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated January 10, 1934, by and between Rudolf Pagenstecher, settlor, and Hiram C. Todd and Rudolf Pagenstecher, trustees, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Hiram C. Todd, trustee, and by Louis Bittner, successor trustee, acting under the judicial supervision of the Supreme Court of the State of New York in and for the County of New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Albrecht von Estorff, of Hans von Estorff, and of Otto von Estorff, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 5, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-835; Filed, Feb. 3, 1949; 8:50 a. m.]

[Return Order 249]

PAULA OPPENHEIMER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention To Return Published, and Property

Paula Oppenheimer, Buenos Aires, Argentina, Claim No. 7003, December 17, 1948 (13 F. R. 7812), One-third (⅓) of the all right, title, interest, and claim of any kind or character whatsoever, of Lina Chambre Meyer and Klara Chambre, and each of them, in and to the Trust Estate of Meier Katten, deceased; $1,518.40 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 31, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-841; Filed, Feb. 3, 1949; 8:51 a. m.]

[Return Order 252]

PUISEUX, BOULANGER ET CIE, SOCIETE EN COMMANDITE PAR ACTIONS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention To Return Published, and Property

Puiseux, Boulanger et Cie, Societe en Commandite par Actions (formerly known as Michelin et Cie), Clermont-Ferrand, France; Claim No. 36659, December 15, 1948 (13 F. R. 7768); Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 1,635,894 and 1,635,895; property described in Vesting Order No. 667 (8 F. R. 4995, April 17, 1943), relating to United States Letters Patent No. 1,605,755 including royalties in the amount of $12,493.96. This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 31, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-842; Filed, Feb. 3, 1949; 8:51 a. m.]